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AUTHOR Gruson, Edward S.
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ABSTRACT

Federal involvement in higher education and the legislative and political history of this involvement are reviewed. It is shown that there is no single federal policy towards basic research, scholarship, and graduate education. The result of changes in policy of a number of agencies can be financial and programmatic uncertainty. Federal activity in higher education is reviewed in terms of: payments to students, payments to institutions, payments to states, and regulatory activities. The analysis emphasizes the treatment and response of the private and public sectors. While the federal government is neutral towards these sectors, the consequences of particular choices among policy alternatives may favor one sector over another. The following legislation is considered: the Morrill Acts of 1862 and 1890, the G.I. Bill, the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, the Higher Education Act of 1965, and the Education Amendments of 1972 and 1976. A case study on the Education Amendments of 1972 emphasizes the interplay of institutions, personalities, and policies. It is suggested that in the most general terms the Education Amendments of 1972 completed the transformation of higher education into a mass phenomenon in the United States. A list of major factors influencing federal education legislation, based upon opinions of Robert C. Andringa and other Congressional staff, is appended. (SW)

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THE NATIONAL POLITICS OF HIGHER EDUCATION

The Sloan Commission on Government and Higher Education

Edward S. Gruson
November, 1977

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I. INTRODUCTION

The subject of this paper is the national politics of higher education. "Higher education" is used here as it is in Washington and is virtually synonymous with undergraduate education. In the House, the Subcommittee on Postsecondary Education deals almost exclusively with undergraduate education. The same is true of the Senate's Subcommittee on Education. In the Executive Branch, the Education Division of HEW is devoted virtually exclusively to the concerns of undergraduate education as well. During a series of seminars held at George Washington University in August of 1976, Robert Andringa said: "It's next to impossible to get a Congressman to sit down and think of graduate education now,"[1] and Thomas Wolanin followed by saying: "...graduate education, /is/ tagged on without much change and swept along as the omnibus bill goes through the process with everybody's attention focused in a few places."[2] (Robert Andringa, until November 1, 1977, was Minority Staff Director, Committee on Education and Labor, U.S. House of Representatives. Thomas Wolanin is Deputy Staff Director, Subcommittee on Select Education, U.S. House of Representatives.)

There are historical and political reasons for this restricted view of higher education. Student enrollment at the undergraduate level is a mass phenomenon. There were over 7,200,000 students classified as undergraduates enrolled in colleges and universities throughout the United States in 1975. Although they may not use their right to vote to the same degree as others, they are all potential voters, as are their parents. The Congress has become responsive to their needs and to the pressures exerted by the institutions of which they are a part. As a result, there

is a locus and a focus for legislation and administration of undergraduate finance and programs in the legislative and executive branches.

The National Defense Education Act of 1958 and the Higher Education Act of 1965 did provide for fellowship programs for graduate students. Authorizations for these followships was continued in the Education Amendments of 1972. No funds have been appropriated for this purpose since 1968.

David D. Henry, in his introduction to Federal Policy Alternatives Toward Graduate Education, wrote:

> It is apparent ... that the significance of graduate education as a national resource is not generally understood. The role of basic research, as conducted in colleges and universities -- and the public benefits from that research to the economy, to the culture, and to individual and social progress -- merit wider public recognition and attention than now exist. The interaction of graduate education with the other elements of higher education and the urgency of the present condition are not generally appreciated.[3]

His conclusions were confirmed by the amount of interest expressed in graduate programs during a series of hearings held by the Special Subcommittee on Education of the House Committee on Education and Labor, in 1975. The Special Subcommittee held 33 days of hearings and published a series of nine volumes on student financial assistance. The nine volumes contain 1,886 pages of testimony, statements, solicited letters, and reproductions of articles and reports on the subject. The amount of time devoted to graduate programs was 1 hour and 40 minutes. The testimony and supplemental material on graduate programs take up 83 pages.[4] This constricted view of higher education in Washington omits three inextricably linked functions of the major universities of the country. These are, of course, graduate and professional education, scholarship, and basic research in the sciences, physical and biomedical.

While the character, history, and politics of federal involvement in these three essential functions of higher education is the subject of another paper in the series being developed for the Commission, a few notes on these issues are appropriate at this time. First, a glance at Figure 3 on page 23 of this paper shows how widespread within the Legislative Branch is responsibility for graduate education, scholarship, and basic scientific research. About 18 House committees and 16 Senate committees are involved with authorizations and appropriations in these fields. About 35 agencies in the Executive Branch - other than the U.S. Office of Education - administer programs affecting graduate education, scholarship, and basic research. Although federal responsibility for the support of these vital functions is widespread, scholarship and basic science, and consequently the best of graduate education, involve only a relatively small number of institutions of higher education and a small proportion of the total student population.

Basic research can be undertaken without graduate education. However, graduate education cannot take place without research and scholarship. Candidates for the Ph.D. do research sometimes in collaboration with a faculty member or at least with the oversight of a member of a faculty. In either case, both parties are in the process of extending their own education as well as increasing the stock of new knowledge available to society.

Basic research is the quest for fundamental knowledge regardless of the purposes, if any, to which it may be applied. It is undertaken in the physical sciences, biological sciences, social sciences, humanities and fine arts. It is endemic to a university. Federal support for basic science and graduate education grew from about $138 million in 1953 to about $2,192.5 million for "academic science" in 1975. The peak in federal

support was reached in 1967 when federal obligations were $2,940.8 millions in constant (1972) dollars (See Table 1). The decline has been steady since then. From the point of view of the interrelation between the support of basic research and graduate education, that a "steady state" in funding levels has been reached is a myth. The support has declined. The number of graduate students maintained by federal fellowships, traineeships and NIH training grants also rose during the '50s to a peak of 67,700 in 1968 and declined to 39,300 by 1972.

The initial major thurst in federal funding of basic research and graduate education came about during World War II. Led by Vannevar Bush, James Conant, Karl Comptom and Frank B. Jewitt, the nation's scientific community was mobilized under the direction of the Office of Scientific Research and Development. The response of the university scientists was quick, and the application of highly sophisticated knowledge and manpower, working relatively freely from governmental "control," had spectacular results. The atomic bomb, radar, the proximity fuse, and sonar, were the most highly publicized among scores of other scientific and technological innovations.

OSRD was a civilian dominated organization devoted to the application of science to the war effort and reporting directly to the President. It would and did cooperate with the military but was not dominated by it. It contracted with university laboratories and designed such contracts to minimize the scientists' fear of governmental intrusion into scientific and, except when secrecy was required, academic freedom.

The success of the scientific effort during the war had two consequences of importance for purposes of this paper. First, the military

TABLE 1

Federal Obligations to Universities and Colleges
for Academic Science
FY 1963-75, in Current and Constant (1972) Dollars
(Millions of Dollars)

Year	Total Current Dollars	Total Constant Dollars
1963	1,328.5	1,855.8
1964	1,528.6	2,058.6
1965	1,816.2	2,443.7
1966	2,163.5	2,818.6
1967	2,323.8	2,940.8
1968	2,349.8	2,845.8
1969	2,361.4	2,722.9
1970	2,187.6	2,394.5
1971	2,343.1	2,440.1
1972	2,599.0	2,599.0
1973	2,464.2	2,329.2
1974	2,736.0	2,350.2
1975	2,789.6	2,192.3

Source: Federal Support to Universities, Colleges and Selected Nonprofit Institutions, Fiscal Year 1975, Detailed Statistical Tables, Appendix B. NSF 77-303 (Washington, D.C., National Science Foundation, 1977) p. 1, Table B-1.

services recognized that the support of basic science could have large "pay offs" for them. The Department of Defense and the Atomic Energy Commission became major supporters of basic scientific research in universities after the war. Secondly, after considerable political battling, the National Science Foundation was created in 1950.

For the first time the nation had a governmental agency the primary purpose of which was to support basic scientific research. In the main, the National Science Foundation has prospered without resorting to the principle that projects meriting its support serve an immediate national purpose. From a modest beginning, NSF support of basic research at universities and colleges has grown dramatically. Measured in constant 1972 dollars, NSF's obligations to educational institutions has grown from $11.6 million in 1955 to $312.2 million in 1975. (The latter figure excludes an additional $44.2 million for basic research carried out with NSF funds in Federally Funded Research and Development Centers.) During the course of this growth in funding, NSF took over some of the support of fundamental research from the "mission-oriented" agencies such as the Department of Defense and the Atomic Energy Commission. Its growth between 1955 and 1966 was rapid and smooth, whereas since 1966 growth has been at a much slower rate and annual changes have been erratic and unpredictable.

As a consequence of Sputnik and the "missile-gap," the National Aeronautics and Space Administration grew rapidly in appropriations and as a supporter of university-based basic research. Thus, there arose within the Executive Branch of government a group of "mission-oriented agencies" a part of whose research and development budget was allocated to the sponsorship of basic research and graduate education in institutions of

higher education.[5,6] By far the largest proportion of the funds expended by the "mission-oriented agencies" for the support of basic research went into the physical sciences. It was the growth of the National Institutes of Health (NIH) grant budget in the late '50s through the '60s that led to the extraordinary flourishing of the biological and biomedical sciences (See Table 2).

The impetus for the support of basic scientific research was in the Executive Branch of government. The initiatives and sponsorship came from within the administration in office at the time.

Spending money on health was almost irresistable to Congress, and until Medicare and Medicaid legislation was passed, "health" in Washington meant the support of the biomedical research activities of the National Institutes of Health.

In 1930, a bill to create a National Institute of Health was passed by Congress. The then-Assistant Surgeon General Lewis R. Thompson was the chief in-house lobbyist for the bill and the person who devised the strategy which dominated and still dominates the relations between NIH, the Congress, and the Executive. He determined that NIH would emphasize the search for solutions to the problems of dread diseases as well as engage in fundamental biomedical research. To achieve both these ends, support would be offered extramurally as well as within the NIH laboratories. In 1937 a National Cancer Institute was established.

By a skillful set of political and administrative maneuvers, the NIH emerged after World War II independent of the National Science Foundation. By 1948, spurred by a vigorous and powerful lobby, the National Heart Institute as well as a Mental Health Division were created. The

TABLE 2

Federal Obligations for Academic Science*
to Universities and Colleges by Agency, Fiscal Year 1975
(Dollars in Millions)

Agency		Academic Science Obligations
Health, Education, and Welfare	(HEW)	1,451.5
National Science Foundation	(NSF)	490.5
Agriculture	(USDA)	290.7
Defense	(DOD)	190.9***
Energy, Research, and Development Agency	(ERDA)	124.2**
National Aeronautics and Space Agency	(NASA)	108.0***
Environmental Protection Agency	(EPA)	38.8
Interior	(INT)	28.8
Commerce	(COM)	25.8
Transportation	(DOT)	20.5
Other		20.3****

Source: Federal Support to Universities, Colleges and Selected Nonprofit Institutions, Fiscal Year 1975, Detailed Statistical Tables, Appendix B. NSF 77-303 (Washington, D.C.: National Science Foundation, 1977) p. 1, Table B-1.

*These figures do not include obligations for R&D at those Federally Funded Research and Development Centers which are administered by universities. At many of these, the work undertaken and the investigators have a great deal in common with their counterparts on university and college campuses, and there is a great deal of mobility between the two.

**In addition, ERDA obligations for R&D at FFRDCs administered by universities and colleges amounts to $617 million. A subjective estimate of the fraction of this amount which is spent in activities similar to those undertaken in universities and colleges by similar kinds of people is $350 million.

***In addition, DOD and NASA expended $197 million and $217 million for research and development at university-administered FFRDCs. It is very difficult to estimate what share of this went to "academic science;" it is clear that the major proportion was for applied research and development rather than basic research.

****Includes the Agency for International Development (AID), Housing and Urban Development (HUD), Labor and the National Research Council (NRC).

biomedical research arm of the federal government became the National Institutes of Health.

In the Congress, the legislative champions of NIH were Representative Fogarty, Democrat of Rhode Island, and Senator Lister Hill of Alabama. Appropriations for NIH in 1947 were about $8 million, in 1948 the budget was $26 million, and in 1950 it passed the $50 million mark. Hill's influence was unique because he chaired not only the Senate Committee which authorized funds for NIH, but also the Senate Subcommittee which appropriated funds for the agency. When Dr. James A. Shannon was appointed Director of NIH in 1955, the agency found the person with the managerial skills needed to direct its multiple parts and the political skills to complement those of Fogarty and Hill. Led by the legislators and backed by the "health lobby," NIH grew spectacularly. Between 1955 and 1968 (the year of Shannon's retirement), appropriations for NIH grew from $81 million to $1.18 billion. In 1976 NIH's budget was $2.25 billion, of which the grants component was $1.48 billion![7,8]

It was in the Legislative Branch of the federal government that the initiatives and sponsorship for the growth of basic research in biomedical sciences took place.

Federal involvement in and financial support of research and scholarship in the humanities came about in 1965, in a manner completely different from the experience of the physical and biomedical sciences. It was the result of a lobbying effort on the part of three scholarly associations. In 1963 the American Council of Learned Societies, the Council of Graduate Schools in the United States, and the United Chapters of Phi Beta

Kappa sponsored a Commission on the Humanities. The purpose of the Commission was to "consider the state of the humanities in America and report its findings to the sponsoring organizations."[9] It was chaired by Barnaby C. Keeney, then President of Brown University, and included among its members humanists, lawyers, distinguished men of affairs, educators and scientists.

The idea to establish a Commission on the Humanities arose out of the personal interest of President Keeney; Whitney J. Oates, professor of Classics at Princeton; Frederick H. Burkhardt, philosopher and former President of Bennington College; and Gustave Otto Arlt, former professor of German and Dean of the Graduate Division of the University of California at Los Angeles.

Keeney wrote the heart of the report himself, a fifteen-page political document declaring that "the state of the humanities today creates a crisis for national leadership" and warning of the "danger that wavering purpose and lack of well-conceived effort may leave us second-best..."[10] (emphasis added.) The rhetoric was very like that used to exhort the country in times of imminent disaster. The remaining 200-plus pages are supplementary appendix material completely different in tone.

The Commission's recommendation that a National Humanities Foundation be established, modeled after the National Science Foundation, was combined with a proposal for the support of the arts into a bill creating a National Foundation on the Arts and Humanities and was signed into law on September 29, 1965. Within the Foundation were created a National Endowment for the Humanities and another for the Arts.

While the Endowment for the Arts has achieved popular and political success, the National Endowment for the Humanities has struggled to overcome

the arcane, exotic, and esoteric reputation thrust upon it. According to Wallace B. Edgerton, who served as Deputy Chairman and Acting Chairman, the NEH has become "a controversial agency"[11] which cannot but adversely affect its appropriations. While it was Keeney's intention from the beginning to make the humanities "popular," there has from the outset been "a tension between the support of the academy and the search for a broad base of support."[12] Keeney was succeeded by Dr. Ronald S. Berman, whose policy it was to maintain and increase the Endowment's obligation to research, while at the same time sustaining its popular programs. Senator Claiborne Pell took the lead in attacking the Endowment for "elitist" attitudes and characterized it as being "95% academically oriented."[13] Yet in 1973, about 40% of the program funds went to support adult and continuing education.

With the change of administration, Dr. Berman was replaced by Joseph D. Duffey as Chairman of the Endowment. The new chairman will face the same problems as his predecessor, as the NEH is caught between congressional preference for popularization and wide geographic distribution of program funds and academic preference for excellence as the primary standard.

In the recent past, appropriations for NEH have risen dramatically from $2.5 million in start-up funds in 1966 to $92.75 million in 1976. It is not likely that the increase in appropriations will continue at the same rate much longer. It is not clear when they will level off as have appropriations for the support of basic research in the physical and biomedical sciences for almost a decade.

By creating, nurturing, and fostering NSF and NEH, the federal government has decided that basic research and scholarship undertaken in colleges and universities is a national resource. Implicit in their appropriations process is the idea that these activities warrant federal support without reference to national objectives. This principle is, however, always in a state of political tension, as efforts persist in assigning priorities and funds towards attempts at solving recognized problems of immediate current interest. Two examples of such tendencies are the "Crusade Against Cancer" at the NIH during the early 1970's and the Research Applied to National Needs (RANN) program at NSF. Although understandable and even laudable, shifts in emphasis of policy towards the "useful" application of basic science and scholarship can undermine the quality and variety of basic research which are the essentials of success in such activities. President Johnson was quoted as saying "too much energy was being spent on basic research and not enough on translating laboratory findings into tangible benefits for the American people."[14]

There is no single federal policy towards basic research, scholarship, and graduate education. That these activities are essential to a holistic view of a university is hardly perceived by the Executive and Legislative Branches of the federal government. While there is no single federal policy towards basic research and scholarship, there is an array of policies generated by the agencies which sponsor these activities. That such is the case has both advantages and disadvantages. Among the advantages are the multiplicity of funding sources available to academic scholars, the variety of points at which the universities and the federal government interact, and the resultant reduction in the potential for federal control.

The weakness of the system is that no single branch of government nor any agency within the Executive is concerned that changes of policy of a number of agencies can have a cumulative effect on the strength and balance of universities which manifests itself in persistent financial and programmatic uncertainty.

II. WHERE WE ARE

Higher education in the United States is diverse and dual. Neither of these characteristics is accidental; they are the result of constitutional heritage, as well as changes in social and political values. The role of the federal government, while ubiquitous, is intentionally instrumental and has, up to the present, deliberately avoided committing itself to the unqualified support for the entire system.

There are about 2800 colleges and universities in the United States. They differ remarkably in size (varying in enrollments from two hundred students to over one hundred thousand), objectives (varying from an emphasis on technical training to great centers of scientific and humanistic research), students (varying from those which seek students conforming to accepted societal norms to those with appeal to the "off-beat" student marching to a different drummer), quality (varying from "invisible" colleges to world-renowned institutions of learning), and control. It is the issue of control that determines the duality of the "system."

About three-quarters of the students within postsecondary or higher education attend publicly supported institutions of higher education, while one-quarter attend private or independent colleges and universities.[1] The coexistence of private colleges and universities (relatively high tuition costs) and public institutions of higher education (relatively

low tuition costs) generates much of the internecine politics of undergraduate higher education.

Notwithstanding the problems created by a dual system, there are vastly more issues on which the two systems are united, because they respond to federal stimuli in similar ways, than there are issues to which they respond antagonistically to one another.

Diversity characterizes both public and private higher education. Within each sector there are prestigious universities. Within each sector there are institutions which merit being described as colleges only by the grace of a hard-pressed state licensing board or regional accrediting agency. The Carnegie Commission classification of institutions of higher education (Table 7) shows clearly the diversity and duality of the "system." The number of institutions and the enrollment of students in each category has political significance as well.

1. The Washington Lobby.

The two-year colleges, mainly public, have proliferated and are spread throughout the country. There is hardly a congressional district without one. To further their own objectives, they have formed an "interest group" or lobby to influence federal legislation and executive action. The American Association of Community and Junior Colleges is an effective and powerful force in furthering the interests of the two-year institutions. They not only promote their clients' views, but also protect their clients' interests, especially the proportion of federal funds devoted to higher education which is budgeted for these institutions.

The liberal arts colleges are overwhelmingly private. Their interests in Washington until recently were in the hands of the Association

TABLE 7

Enrollment in institutions of higher education and number of institutions, by type of institution and control, United States, 1970

Type of institution	Enrollment					Number of institutions				
	Public	Private	Total	Percent public	Percent of total	Public	Private	Total	Percent public	Percent of total
TOTAL*	6,350.0	2,150.0	8,500.0	74.2	100.0	1,313	1,514	2,827	46.4	100.0
Doctoral-Granting Institutions	2,012.9	665.0	2,677.9	75.2	31.5	108	65	173	62.4	6.1
Research Universities I	846.0	254.3	1,100.3	76.9	12.9	30	22	52	57.7	1.8
Research Universities II	498.9	112.0	610.9	81.7	7.2	27	13	40	67.5	1.4
Doctoral-Granting Universities I	421.1	220.4	641.5	65.6	7.6	34	19	53	64.2	1.9
Doctoral-Granting Universities II	246.9	78.3	325.2	75.9	3.8	17	11	28	60.7	1.0
Comprehensive Universities and Colleges	1,978.7	522.7	2,501.4	79.1	29.4	308	145	453	68.0	16.0
Comprehensive Univ/Col I	1,666.1	433.2	2,099.3	79.4	24.7	223	98	321	69.5	11.4
Comprehensive Univ/Col II	312.6	89.5	402.1	77.7	4.7	85	47	132	64.4	4.7
Liberal Arts Colleges	38.5	647.4	685.9	5.6	8.1	28	691	719	3.9	25.5
Liberal Arts Colleges I	5.9	180.0	185.9	3.2	2.2	2	144	146	1.4	5.2
Liberal Arts Colleges II	32.6	467.4	500.0	6.5	5.9	26	547	573	4.5	20.3
Two-Year Institutions	2,214.0	133.8	2,347.8	94.3	27.6	805	256	1,061	75.9	37.5
Specialized Institutions	106.5	180.3	286.8	37.1	3.4	64	357	421	15.2	14.9

*Excludes extension enrollment; items may not add to subtotals because of rounding; grand totals of enrollment have been rounded to the nearest 50,000.

SOURCE: Adapted from U.S. Office of Education data by the Carnegie Commission staff.

of American Colleges. Wedded to the liberal arts tradition and, in the past decade, feeling threatened by financial and federal regulatory problems, the bulk of the AAC split recently to form a new "higher education interest group," the National Association of Independent Colleges and Universities. NAICU is aggressively "private" and scrupulously reviews all federal activity in higher education to protect the interests, and to expand the support of the "independent" colleges and universities. However, its clients are diverse as well, ranging from small backward colleges to large research-oriented universities.

Almost four-fifths of the Comprehensive Universities and Colleges are public, and only a slightly lesser ratio of the Doctoral-Granting Universities are public as well. The chief spokesman on the national scene for these public institutions is the Association of American State Colleges and Universities. A vigorous, active, and outspoken association, it diligently protects their cherished principle of low-cost tuition at state-supported colleges and universities.

Most, but not all, of the research universities are represented by the Association of American Universities. Included among its members are fifty of the "elites" of the academic enterprise, regardless of their private or public nature. These institutions and their association are concerned not only with the problems endemic to most institutions of higher education, but more directly with the support of basic research which in the main is carried on in their institutions, with graduate education in the humanities and the learned professions, and with the maintenance of excellence as the standard or hallmark of American higher education.

The National Association of State Universities and Land-Grant Colleges is also a potent higher education interest group in Washington. It was created in 1963 by the merger of three associations which up to that time represented parts of the community of land-grant institutions of higher education. Its membership consists of 130 colleges and universities and includes some of the most prestigious of the public research universities.

They have access to legislative power. Judiciously they call upon presidents of their most outstanding institutions who have access to senators and representatives of their states. By exercising restraint in exposing and using these "influentials," they can count on effective representation. The National Association of State Universities and Land-Grant Colleges continues to advocate low-cost public education. For them this is an ideological position. In this they align themselves with the American Association of State Colleges and Universities.[2] Because of the "elite" research universities among their members, they are equally concerned with the state of graduate education and the level of funding for basic research. On this latter issue they are often aligned with the Association of American Universities.

The community colleges and junior colleges garner strength and power in affecting legislation and executive policy because they can rally "influentials" and potential votes in the congressional elections. Student voters and their parents can demand the attention of congressmen and senators. The liberal arts colleges and other independent institutions are listened to because there is genuine concern in the Congress for the well-being and future of the private institutions of higher education. Congress recognizes the role played by this sector. The state colleges

TABLE 8

The Development of Washington Representation

Association or Office	Founded	Membership	Washington Office Opened	Federal Program Began
Major Associations				
National Association of State Universities and Land-Grant Colleges	1887[a]	130	1947	1947
Association of American Colleges	1915	779	1947	1968
Association of American Universities	1900	50[b]	1962	1969
American Association of State Colleges and Universities	1961	314	1962	1967
American Association of Community and Junior Colleges	1920	875	1939	1965
American Council on Education	1918	1,399[c]	1918	1962
Special-Purpose Associations				
Association of American Medical Colleges	1876	111[d]	1965	1970
Council of Graduate Schools	1960	324	1962	1962
Council of Protestant Colleges and Universities	1958	230[e]	1960	None
Council for the Advancement of Small Colleges	1956	140	1956	None
American Association of Colleges of Teacher Education	1917	863	1959	1969
Small Associations and State Systems				
College and University Division, National Catholic Education Association		228	1929	
State Colleges of South Dakota		6	1965	1965
University of California		9	1960	1960
State Colleges of California		19	1968	1968
Association of Jesuit Colleges and Universities[f]		28	1962	1962
Division of Educational Services of the Lutheran Council		44	1967	1967
Associated Colleges of the Midwest		12	1966	1966
East Central College Consortia		7	1968	1968
College Service Bureau		114	1969	1969

[a] Founded as the Association of State Universities and Land-Grant Colleges.
[b] Includes two Canadian institutions.
[c] Institutional members, 1974.
[d] Includes 16 Canadian institutions.
[e] Disbanded, 1970.
[f] Until 1970, Jesuit Education Association.

Note: The National Association of Independent Colleges and Universities was formed in 1976 and is omitted from this table.

Source: Lauriston R. King, The Washington Lobbyists for Higher Education. Lexington, Mass., D.C. Heath & Co., 1975.

and universities exert power by their ability to enlist governors, presidents of prestigious state universities and colleges, as well as a large part of the population whom they serve, to rally to their support. The research universities, because of their reputation for excellence, influence policy perhaps less directly but, in some areas such as basic science and graduate education, no less decisively than the other groups. Their presidents, deans, and senior faculty are frequently called upon for advice, and not infrequently their advice is listened to.

Over-arching all of the higher education interest groups is the American Council on Education, which tries to speak for all of the diverse constituents of higher education in America. It has a difficult task in mediating among its contending membership, and, on issues over which ideolgical lines are drawn, finds itself unable to speak clearly as a national voice for higher education.

Many experienced observers and participants in the politics of higher education have noted that there is no national policy for higher education in the United States.[3] Constitutionally and historically, education (including higher education) has been looked upon as a responsibility of the states; one which the federal government has been loath to usurp. The consequences of this view of higher education are several. For example, legislation and executive policy formation is presumptively and determinedly neutral to the private-public duality of the system. The Congress, notwithstanding the urging of some analysts, will not involve itself directly with tuition charges.[4] While the national government has not developed a national policy for higher education per se, it has determined that there are national needs or goals which are best fulfilled through the participation of institutions of higher education. Colleges and universities become

the instruments by which the federal government achieves particular objectives. These ends may be as varied as the support of basic research in molecular biology or the achievement of equal educational opportunity, but as yet the federal government has been unwilling to provide unrestricted institutional support to institutions of higher education as such, in the manner of the states.

2. Diffusion and Diversity of National Responsibility.

Because the national purpose remains "limited and discrete," categorical programs are added to one another in an almost random way. While many reflect a felt national need, some programs are authorized because a member of Congress has a particular or even singular interest in a program or because a member has been persuaded of a program's value by a lobbying group or constituent. Consequently, various agencies are authorized to "purchase" specific services, activities, and efforts provided by institutions of higher education. Other agencies are authorized to provide funds to institutions or students in order to achieve certain ends. As a result, there is no single locus of responsibility for the while of higher education in either the Congress or the Executive Branch of the national government. There are many committees and subcommittees of each house which have a piece of the action. Only in the House of Representatives is there a subcommittee which deals with "postsecondary" education.* In the Senate, the Subcommittee on Education, Arts, and the Humanities must deal with the entire spectrum of federal involvement in education, from elementary through graduate school. Yet the House

*The Chairman of the House Subcommittee on Postsecondary Education assumes a particularly important role because the responsibility of his subcommittee is unique.

Committee on Education and Labor and the Senate Committee on Human Resources deal only with a part of the higher education enterprise, predominantly undergraduate education.

Robert C. Andringa, the Minority Staff Director of the House Committee on Education and Labor, reports that the Library of Congress, in a study undertaken for the committee, identified 439 separate federal programs affecting higher education. Jurisdiction over these programs is spread among 18 of the 22 standing committees of the House and 16 of the 18 Senate committees. The Joint Committee on Atomic Energy is responsible for an additional 13 programs. Out of about 200 subcommittees in Congress, at least 70 have some responsibility for programs involving higher education. Simply monitoring congressional activity in higher education is an extraordinary chore. Intercommittee cooperation is almost non-existent, and the political complexity of higher education is increased almost exponentially by the diffusion of responsibility through so many committees.

Not all of the committees or programs are of equal importance. Nevertheless, a research university, especially, is affected by the actions of a host of congressional committees and responds to them in complex ways. Basic science policy and funding are determined by quite different committees from those concerned with student aid. Health-related biomedical education, research and training programs, which may dominate a university's budget, are the responsibility of still other committees in the Congress.

The following chart summarizes the intricate network of committees dealing with higher education. While slightly out-of-date, for example the Senate Committee on Labor and Public Welfare is now the Senate Committee on Human Resources, the chart illuminates the complexity.[5]

FIGURE 3

Number of Federal Programs Affecting Postsecondary Education by Committee Jurisdiction in the U.S. House of Representatives and Senate

HOUSE / SENATE	Aeronautical & Space Sciences	Agricultural & Forestry	Appropriations	Armed Services	Banking, Housing & Urban Affairs	Commerce	Finance	Foreign Relations	Government Operations	Interior & Insular Affairs	Judiciary	Labor & Public Welfare	Post Office & Civil Service	Public Works	Veterans' Affairs	District of Columbia	TOTAL HOUSE
Agriculture		14															14
Appropriations			3														3
Armed Services				13													13
Banking & Currency					8												8
District of Columbia																1	1
Education & Labor										3		114					117
International Relations								7									7
Government Operations									1								1
House Administration												4		1			5
Interior & Insular Affairs										12							12
Interstate & Foreign Commerce	1					7	10		2			125		12			157
Jt. Cmte. on Atomic Energy																	
Judiciary							2	1			11						14
Merchant Marine & Fisheries						3						1					4
Post Office & Civil Service									2				1				3
Public Works	1											1		9			11
Science & Technology	4					1						32					37
Veterans' Affairs															11		11
Ways & Means							8										8
TOTAL SENATE	6	14	3	13	8	11	20	8	5	15	11	277	1	22	11	1	426*

*In addition, the Joint Committee on Atomic Energy has 13 programs under its jurisdiction.

Each committee is potentially an arena for political activity for legislation and regulations affecting higher education. There are, therefore, scores of sponsors, influentials, and actors involved in each of these arenas. They seek to sponsor programs, expand or protect programs, or to change programs in order to accommodate them to new conditions. Once incorporated into law, a program is seldom eliminated. Programs may be ignored or

unfunded, but some group, bureaucracy, lobbyist, or individual member of Congress will have an interest in maintaining and creating support for the program. Thus, any attempt to "rationalize" the overview of higher education in Congress by consolidation or coordination is very difficult in the face of jealously guarded jurisdictional priorities.

As in the Congress, so in the Executive Branch; the administration of the programs affecting institutions of higher education is distributed among at least 35 agencies other than the Office of Education. Bureaucrats have vested interests in programs they administer, so that change is accomplished slowly and over considerable opposition.

Table 9 illustrates the distribution of programs among departments and agencies. The bulk are in the Department of Health, Education, and Welfare. While other departments or agencies may administer only a few programs, some, like the Department of Defense and the National Science Foundation, are vital sources of funds for basic research at the research universities.

3. Federal Involvement in Higher Education.[6]

Although pervasive and complex, federal involvement in higher education may be usefully divided into four areas.* This division is useful for two reasons. It simplifies and condenses the federal effort in, and effect on higher education; and secondly, it illustrates that, in their responses to federal initiatives, there is much more of a community of interest among private and public institutions than there is reason

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*A fifth area, untreated here, are the tax provisions of the law. Since these affect overwhelmingly the private sector, and only a small proportion of these, a discussion of them has been omitted.

for an adversary role. On some issues, such as the form and detail of federal student aid, the two sectors will probably be divided for some time.

TABLE 9

Number of Federal Postsecondary Education Programs by Administering Agency

Agency	Number of Programs	Percent of Programs
Health, Education, and Welfare	281	64.2%
Commerce	7	1.6
Defense	2	0.5
Housing and Urban Development	4	0.9
Interior	17	3.9
Justice	9	2.1
Labor	6	1.4
Transportation	5	1.1
Treasury	1	0.2
National Science Foundation	6	1.4
National Aeronautics and Space Administration	1	0.2
National Foundation on Arts and the Humanities	28	6.4
Veterans Administration	12	2.7
Other	59	13.5
Total	438	

Source: Christoffel and Rice, Federal Policy Issues and Data Needs in Postsecondary Education, 1975:67-90.

On other issues, such as the cost and effect of the regulatory activities imposed on colleges and universities by the federal government, the interests in common to both sectors is overwhelming.

Federal activity in higher education may be reviewed in terms of

a. Payments to students

b. Payments to institutions

c. Payments to states

d. Regulatory activities.

Each of these is reviewed briefly, emphasizing the treatment and response of the private and public sectors. For, while the federal government is neutral towards these sectors, the consequences of particular choices among policy alternatives may favor one sector over another.

a. Payments to Students.

In 1972 the federal government made a deliberate choice to support higher education by financing student aid rather than general unrestricted institutional aid. Since then, funds for federal student aid have increased remarkably in absolute amounts and have become the major means of transferring federal funds to higher education. Of 12 billions of dollars appropriated for higher education, 8 billions flow from the federal government as student aid.

Three major student aid programs, Veterans Education Benefits (the G.I. Bill, now being phased out), the Basic Educational Opportunity Grant (BEOG) administered by the Office of Education, and the grants to students through the Social Security System, all bypass the colleges and universities and are paid directly to the student. Other programs of

federal student aid are "campus-based" and are more directly influenced by college and university financial aid officers. At least one part of the politics of higher education is directed at maintaining the campus-based programs, despite a predisposition on the part of influential members of Congress to replace them with programs that bypass the institutions of higher education. The campus-based programs provided a mix of Supplemental Educational Opportunity Grants and loans (National Direct Student Loans and Guaranteed Student Loans), as well as an opportunity for students to earn income through the College Work-Study program.

Another source of student aid is a federal-state matching grant program (State Student Incentive Grants), which acts as an incentive for the states to make grants to low-income students, who may use such grants at either public or private colleges and universities. In 1976, in order to participate in this program, "portability" had to be agreed to, which would permit the student to use these grants in institutions located outside of the state in which they are awarded. The change was the direct result of pressure from the private sector.

Although students are free to spend these funds at the college or university of their choice, none of the grants provides sufficient funds alone to pay for high-cost tuition at private colleges and universities. Hence, the primary political issue in undergraduate higher education has come to be defined as that of "access" and "choice." The public sector sees access to its low-tuition institutions as paramount, while the private sector exerts enormous energy in attempting to change the range of student aid programs to account for choice. The private institutions, especially the smaller ones, seek to cure their financial problems through federal funding of "choice," which they view as the means of overcoming their competitive disadvantage and closing the tuition gap.[7]

The campus-based programs, therefore, are considered as one way of supplementing the grants. However, both programs are viewed with suspicion by proponents of the public sector, who see them as threats to society's responsibility to provide low-cost higher education.[8] The Guaranteed Student Loan program is under attack because of student default scandals, and both loan programs are considered by the Office of Management and Budget as "uncontrollable" costs. The campus-based programs are perceived of as an aid to middle-class families and therefore have a number of supporters in Congress.

TABLE 10

Percent Distribution of Students Receiving Office of Education Program Aid

	1974-1975			1976-1977		
Program	Appropriation ($000)	Public %	Private %	Appropriation ($000)	Public %	Private %
BEOG	543,000	77.3	22.7	1,411,000	79.9	20.1
SEOG	350,000	68.7	31.3	432,000	63.3	33.7
NDSL	749,000	56.8	43.2	757,000	61.4	38.6
CWS	575,000	63.0	37.0	698,000	64.1	35.9
GSL	669,000	56.4	43.6	695,000	56.0	44.0

Source: 1974-75 F. Atelsek and I. Gomberg, Higher Education Panel Report #27. Washington, D.C., American Council on Education, 1975.

1976-77 F. Atelsek and I. Gomberg, Preliminary Data; Higher Education Panel Report, 1976-77. Washington, D.C., American Council on Education, 1977.

These data indicate some greater dependence for student assistance in the private sector on loans and on the campus-based programs in general. With regard to the beneficiaries of educational support through the social security system, 29 percent attended private colleges and universities, while 71 percent attended those in the public sector. Students receiving benefits from the G.I. Bill were even more predominantly represented in public colleges and universities. Almost 83 percent attended the public sector, while just over 17 percent attended private insitutions.

b. Direct Institutional Payments.

From fiscal 1963 through fiscal 1974, the total Federal obligations to universities and colleges grew from $1.41 billion to $4.46 billion in current dollars (constant dollars for the same year were $1.54 and $3.20 billion). According to Breneman and Finn, of the obligated $4.26 billion in fiscal 1974, 60.8 percent was received by institutions in the public sector and 39.2 percent went to the privates. The number of institutions of higher education which availed themselves of these funds totaled 2,512. Only 210 private institutions and 16 public ones did not receive any funds; whether by choice, eligibility, or priority problems is not clear.

Of the $4.26 billion in total obligations, $2.09 billion was allocated to academic research and development. For this purpose the private sector received 42 percent of the funds and the public, 58 percent. More meaningful is the concentration of the academic R&D effort in a relatively few private and public colleges and universities. In the

years 1963 and 1974, the "top" 100 institutions received 89.5 percent and 85.7 percent of the funds available for academic R&D. The "top 100", the elites of the world of American higher education, do not vary or vary slightly. Within the "top 100", individual institutions rank somewhat more or less from year to year, measured by the total funds for academic R&D received. Two-thirds of this group of institutions are public, while one-third are private. Tables 11 and 12 illustrate the intensity of the concentration of these funds.

Those who do not share in these funds would like an opportunity to participate. In response, the National Science Foundation began a "Science Education Program" which is funded at about $85 million, the beneficiaries of which are the smaller, less prestigious colleges and universities.

Federal policy for academic R&D is neutral between the public and private sectors, and the politics surrounding this issue is very different from the policies of federal student aid. In the area of science and basic research, the concerns are with the level and stability of funding, the organization of science policy within the Executive, the relative priorities among disciplines to be funded, the retention of the "merit" system of awarding grants and, among a host of other problems, the process of accountability for the funds on the part of the recipient university.

There are many and varied other programs which channel federal funds directly to universities outside the rubric of academic R&D. These include construction grants and loans, the campus-based financial aid programs, graduate fellowships and traineeships, and the host of

TABLE 11

Proportional Concentration of R&D Funds Among Universities, Selected FY 1963-1975

Year	Top 10	Top 20	Top 50	Top 100
1963	32.8%	49.5%	71.9%	89.5%
1967	29.1	44.9	69.6	88.1
1968	27.7	43.1	67.4	86.7
1969	27.4	43.2	67.3	86.1
1970	27.8	43.3	67.6	86.1
1971	27.1	42.7	67.2	85.8
1972	27.4	42.8	67.0	85.3
1973	27.1	42.4	67.1	85.1
1974	27.3*	42.8	67.2	85.7
1975	25.8*	41.4	66.2	85.0

* Includes funding for Draper Laboratories. Funding for the Draper Laboratories—because of a change in its charter to an independent nonprofit corporation—was reported separately from MIT funding for the first time in 1974 and 1975. Another change in reporting procedures should also be noted. At multicampus systems, the reporting unit has sometimes changed. In some cases the research statistics of the entire system have for a time been attributed to a single campus. Thus changes in reporting procedures can alter an institution's relative standing. Such reporting changes can complicate time series analysis of research statistics, and reported data should therefore be viewed with care.

Source: National Science Foundation. ***Federal Support to Universities, Colleges, and Selected Nonprofit Institutions.*** Annual Publications (1975 data in press).

TABLE 12

Universities Gaining as Recipients of Federal Reseach Funds, 1964 and 1974

Institutions	Ranking 1964	1974
University of California, San Diego	37	5
Washington University	28	18
University of California, San Francisco	36	19
University of Alabama, Birmingham	80	40
University of Hawaii	71	41
City University of New York—Mt. Sinai School of Medicine	*	44
Colorado State University	68	45
Boston University	83	50

*Not in top 100 in 1964.

Source: General Accounting Office. ***Geographical Distribution of Federal Science Funds to Colleges and Universities.*** Washington, D.C.: GAO Report B-117219, 1976, p. 11.

From: B.L.R. Smith and Karlesky, The State of Academic Science. New York, Change Magazine Press, 1977.

categorical programs which are administered by a variety of federal agencies. The $2.3 billion appropriated for these activities (non-research) were distributed among 2,500 colleges and universities, and the shares going to private and public institutions were 37 percent and 63 percent.

A few programs, by their nature, tend to "favor" one or another sector. For example, the Agricultural Extension Program funds flow to the public institutions. The "Developing Institutions Program" is meant to support black colleges, and therefore "tilts" to the private sector. With regard to the flow of funds from the federal government directly to institutions, there does not appear to be a bias in favor of one or another sector.

c. Payments to the States and Others.

While there is much talk of the federal and state roles in higher education, there is little substance to a partnership arrangement. The states are responsible for maintaining the public higher education system within their boundaries. They have performed this function well.

However, except for a very few instances, federal funds bypass state legislators, governors, commissions, and boards, and are received directly by the institutions involved. The amount of funds which do pass through the state agencies is minor, as Table 13 shows.

An area in which some form of partnership obtains is the attempt by the federal and state governments to support the "1202 Commissions." The "1202 Commissions" are supposed to be broadly representative of persons responsible for higher education in the states, as well as of consumers. They may receive federal funds to coordinate and plan for higher education within the state. Mandated in 1972, they have proven to fit awkwardly into state governments, since each state administers higher education differently.

TABLE 13

Federal Funds to Institutions of Higher Education
Through State Agencies (FY 1974-1977)

Year FY	Program: Community Service	Equipment	Facilities	SSIG	Total
1974	12,700,000	11,800,000	3,000,000	19,000,000	46,500,000
1975	12,800,000	8,300,000	40,000,000	20,000,000	81,100,000
1976	11,200,000	7,500,000	-0-	44,000,000	62,700,000
1977	12,800,000	7,500,000	-0-	60,000,000	80,300,000

Source: Director of State Planning Commissions, Bureau of Postsecondary Education, U.S. Office of Education. (Figures rounded).

The decrease in funds for the construction of facilities has been made up for by an increase in the federal-state student aid matching funds program. It is probably that the funds for the SSIG program will increase, although it is difficult to predict at what rate the states, already hard-pressed for cash, will participate. It is likely that the public sector of higher education will not support the "loss" of "their" funds to this program.

While the purpose of the "1202 Commissions" was to rationalize, plan, and coordinate higher education policy in the states, and they were to receive federal funds to support this activity, they have had only minimal success. It proved politically impossible to superimpose a new layer of state organization on the laminations already existing. Each state, as might be expected, had designed its own form of administrative control of its higher education function. None wished to drastically modify existing instrumentalities to conform with federally mandated prescriptions. These

problems are only now being resolved, not usually in favor of the federal preference.

One caveat should be added. There is a proposal being promoted by the Advisory Commission on Intergovernmental Relations which would have the effect of directing all federal funds for any activity in higher education to the executive and legislative branches of the states for reallocation by the states. While merely a "trial balloon" now, such a course of action would wreak havoc among public institutions of higher education. It does suggest, however, that state governments do seek ways of capturing greater fiscal control over their systems of higher education.

d. Regulatory Activities.

As a business enterprise, higher education recently joined the twentieth century. Within the past few years these institutions have been forced by federal action (often judicial) to assume the responsibility and the costs of federally mandated social programs which have applied heretofore to the rest of American business enterprises. While difficult to estimate their costs accurately, for small colleges and universities they are significant. For the larger and wealthier they are a nuisance, a source of red-tape, and an unwelcome intrusion into the internal affairs of the faculty and administration. These activities range from the privacy of student record to influencing medical school curricula; from employee benefits to occupational safety and health; from equal employment opportunity and affirmative action to social security and employee retirement benefits.

III. LEGISLATIVE AND POLITICAL HISTORY

Since policy for higher education evolves from past legislation, the next section in this paper presents a review of the legislative history of the federal government in higher education. Included are the Northwest Ordinances of 1785 and 1787, the Morrill Acts of 1862 and 1890, the G. I. Bill of 1944, the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, and the Higher Education Act of 1965.

1. The Early Years.

During the early years of the United States, the Congress consistently rejected proposals for the creation of a national system of education and a national university. The Constitution does not mention the word "education," and congressional advocates of states' rights prevailed in reserving the responsibility for education to the states. Thus for almost 200 years, higher education particularly has been used by the federal government as a means of achieving other national objectives rather than as an end in itself.[1]

Indeed, as early as 1785 and 1787 the federal government provided grants to establish and maintain colleges in the mid-west as a means of making these lands more attractive to settlers. The objective of the Northwest Ordinance of 1787 was to raise money by selling federal lands to colonists, and one means of achieving this end was to set aside sizeable areas (up to 12 square miles) for the support of a college, university, or seminary. The income from the resale or tenancy of these reserved lands was to be "given perpetually for the purposes of an university."[2] While the language of the Northwest Ordinance about supporting education had no force

in law, the contracts written under the authority of the ordinance were specific in this regard. Rainsford concludes "that prior to 1800 Congress had little concern for support of education that was not tied to the question of the sale of public lands."[3]

Thus the origins of the "instrumental view of higher education" in national higher education policy and politics.

a. The Morrill Acts of 1862 and 1890.

The next most significant thrust of the federal government in higher education came with the passage of the Morrill Act of 1862. Its passage maintained one federal tradition and one policy. Originally proposed in 1857, Morrill's bills were bitterly debated in Congress, and in 1859, when one was narrowly passed in both the House and Senate, it was vetoed by President Buchanan on constitutional or states' rights grounds. It was only the absence of the representatives of the southern states in 1861-62 that eiiminated the traditional constitutional debate, and the Act got through to approval by a sympathetic President. The national policy maintained by the Morrill Act was that of supporting higher education through grants of federal land.

The objective of the Morrill Act was to "promote the liberal and practical education of the industrial classes in the several pursuits and professions of life."[4] To achieve this end, the federal government encouraged each state (not merely the "new" states) to invest the income from the resale of a grant of federal land (or the equivalent in land scrip) and to use these funds for:

> the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts...

Thus, the Morrill Act used the creation of the Land-Grant Colleges as a means of achieving other national ends. The end to be achieved by the Morrill Act was the improvement of the economy of the country by improving the skills of the work force in industry and agriculture. It was an act to stimulate economic development and an act to support higher education.

Several significant precendents were set by the Morrill Act. First, its beneficiaries were national in distribution. For many years it would not again be possible to favor one region over another in bills having to do with higher education. The regional distribution of benefits of federal programs in higher education, however, is a political issue at this time.

Secondly, the Act did not distinguish between public and private institutions of higher education.

Thirdly, the federal government established criteria for the investment of funds realized from the sale of federal land. In addition to reporting requirements, accounting practices were prescribed as well. Thus, the federal government created regulations with which universities and colleges would have to comply in order to receive grants, and the principle of accountability for federal funds in institutions of higher education was established.

Fourthly, as a further condition of receiving grants of federal land, states had to agree to build and maintain the college to be designated beneficiary (hence the term Land-Grant College) within a five-year period if there were no appropriate institution already in existence in the state. Hence, the principle of "matching grants" was established.

Finally, the Act specified the type of education which was to be emphasized at the designated Land-Grant College. The right of the federal government to choose to support specific aspects of higher education which it considered essential was established. It did not have to support higher education per se. The precedent of federal support for those areas of higher education in which the federal government had an overriding interest began with this Act.

The politics of the passage of the Morrill Act were of significance as well. Constitutional and racial issues were the primary political problems which had to be overcome. They were overcome only because the Act was passed during the Civil War. States' rights were hotly debated. Southerners in 1857 through 1860 attacked the bill also because it did not, in their view, adequately distinguish between the work of a slave and that of an overseer when it addressed itself to agricultural education.[6]

These two issues plus the problem of federal assistance to sectarian colleges and universities were sufficient to block the passage of major legislation benefiting higher education for over 80 years. It was only in 1944 that the federal government next made significant support available to students attending institutions of higher education.

In addition to establishing precedents which are of major importance today, the Morrill Act began the process of making higher education available to the mass of American citizens. While not "excluding other scientific and classical studies," the Act emphasizes learning in "agriculture and the mechanic arts." Thus it has had a broad base of popular and political appeal. Technical and vocational education began to acquire recognition and status in higher education. Higher education changed to be more responsive to the

social and economic needs of an expanding nation. Indirectly, as well, the Act served to broaden regional differences in higher education, especially between the predominantly private colleges of the northeast and north-central states and the predominantly public institutions of the rest of the country.

The second Morrill Act was passed in 1890. In it were several intriguing provisions.

The federal government, in recognizing the financial contribution of the states in providing buildings and general operating funds, determined that "good faith to the states required Congress to increase its provision of funds for instruction."[7] (This policy anticipated by seventy years the battle in the Congress to decide on the form of institutional aid appropriate to the role of the federal government. In 1972, after a harrowing debate, cost-of-instruction allowances were chosen over unrestricted general aid.) A generous, if benign, policy evolved into a major congressional dispute.

In addition to an annual report to the Secretary of Agriculture, the presidents of Land-Grant Colleges were required to submit detailed annual reports to the Secretaries of the Interior and Treasury. This presaged the diffusion of responsibility among many departments which characterizes federal programs of assistance to higher education today.

The second Act also permitted the Secretary of the Interior to withhold payments to any state found not to be in compliance with the provisions of the Act. For the first time, federal control was established over the use made of the federal funds. The threat of extreme sanctions for non-compliance is not so very different today.

There are startling similarities between the ways in which the federal government and the Land-Grant Colleges interacted in 1862 and 1890 and the interaction between the federal government and higher education

today. It suggests that policy and attitudes, like programs, once established, are changed only with great difficulty or as the result of extraordinary political, social, or economic change.

2. The Later Years.

a. The G. I. Bill.

It was the result of extraordinary political and economic upheavals that led to the passage of The Servicemen's Readjustment Act of 1944, referred to almost universally as the G. I. Bill. It was the most significant piece of federal legislation involving higher education in the first half of the twentieth century.

A major purpose of the Act was to provide educational opportunities to returning veterans at the college and below-college levels. Education was to replace forty acres and a mule. The Bill achieved its objectives and more. While its primary objectives were to ease demobilization and avoid unemployment, its impacts on higher education have been long-lasting and of the utmost significance in a number of ways.

Higher education was made available to more people of a greater variety of social class and income than ever before. Although never explicit, the move towards equality of opportunity in higher education was encouraged by the G.I. Bill and subsequently became a permanent feature of the life of the country. The beneficiaries of the G.I. Bill proved that a far greater proportion of the country's younger population could participate in and benefit from higher education than had been thought previously. Veterans studying under the G.I. Bill contributed to a major change in the structure of higher education in the United States. Enrollments shifted from

predominantly private colleges and universities to public institutions of higher education. It was the success of the veteran's performance under the G.I. Bill and the enthusiastic response to this success that set the scene for a reexamination of the nation's "objectives, facilities, and methods of its higher education system."[8] (The proximate result was President Truman's President's Commission on Higher Education. Building on the experience of the G.I. Bill, the Commission proposed federal scholarships for a larger proportion of the nation's citizens than had hitherto been thought of. Its proposals were justified on the contribution of higher education to the development of a broadly based "democratic citizenry" considered vital to the nation's institutions and future.) Perhaps more mundane, but nevertheless a factor in changing the landscape of American higher education, was the acceptance on college and university campuses of the married student. The changing character of the student as far as age and family status, as well as the extraordinary increase in enrollment, forced higher education to experiment, accommodate, and try new forms and methods. Finally, the success of the G.I. Bill stimulated support for additional federal assistance to higher education. These were first made manifest by two more G.I. Bills, and later by aid for facilities and scholarships.

The experience of discontent among veterans after World War I, and the specter of The Great Depression were incentives to creating the G.I. Bill. The Bill forced changes in the American academic enterprise, not the least of which was that it proved that colleges and universities could adjust, accommodate, and provide instruction to greater numbers of students than ever before.

To understand the results of the G.I. Bill, both anticipated and unexpected, it is necessary to know the origins, motives, expectations, and conflicts surrounding its creation. President Franklin D. Roosevelt and the American Legion were the two major actors in creating the Bill.

In July of 1942, President Roosevelt rejected a suggestion that a comprehensive study of post-war problems be undertaken. He was concerned that such an undertaking would distract the American people from the immediate goal of winning the war. However, four months later it was a matter of "wise" politics to couple the signing of the Selective Service Bill, which first permitted the drafting of eighteen-year-olds, with a statement announcing that a Presidential Committee would study and suggest a program to "afford equal opportunity"[9] for study and education to "young men of ability" upon completion of their war-time duty. An informal, off-the-record report was presented to the President on June 20, 1943, and a month later the Osborn Committee (the Armed Forces Committee on Postwar Educational Opportunities for Service Personnel) submitted its preliminary report in public. The latter report became the basis for recommendations to Congress for legislation involving veterans' benefits. In June of 1944 Congress passed and the President signed the Servicemen's Readjustment Act.

For Roosevelt, the Act served a number of purposes. It demonstrated the country's gratitude to those who fought in the war. It was good politics, especially in an election year, to seize the initiative from his opponents regarding benefits for veterans. The Bill would permit the country to "restock" its college-trained manpower and permit those whose education was interrupted by the war to return to academic life. Finally, it was

believed that expanding educational opportunities would contribute to solving the economic problems anticipated in the post-war years: i.e., it would reduce unemployment. Roosevelt and his advisors, however, had a limited view of who should receive aid for education. It was their view that entry to college should be assisted, but only those who showed exceptional talent could expect financial assistance beyond the first year.

The American Legion threw its strength behind a more "generous" bill. They too, as early as 1942, urged Congress to pass a bill supporting the education and training of returning veterans. Congress failed to pass a bill in 1943. As a consequence, the Legion had a bill drafted and introduced in Congress in January of 1944. The Legion bill was introduced by Senator Bennett Champ Clark, Democrat of Missouri, while the President's bill (incorporating the recommendations of the Osborn Committee) was introduced by Senator Thomas of Utah. The bill reported out was a compromise, although it incorporated the more generous provisions of the Legion bill. Significantly, tuition payments became a true entitlement. The veteran was legally entitled to $500 towards the cost of tuition and a cost of living allowance which varied between unmarried and married veterans.

While there was in the country agreement on the noble purposes embodied in the G.I. Bill, there were also conflicts and fears. Some veterans groups, other than the American Legion, feared that the benefits afforded veterans for higher education would reduce the funds which might be used for other benefits: pensions, medical support, and lump-sum awards. Educators too, expressed their concern over the consequences of the G.I. Bill. While estimates of the number of veterans who would avail themselves of the educational benefits offered varied, these estimates were invariably on the

low side. The Army estimated that 8% of those eligible would choose to exercise their right. Other studies concluded that about 650,000 persons would take advantage of this opportunity. It was believed that no more than 150,000 students would be enrolled in any academic year.

Representatives of a minority of the colleges and universities of the country feared that assistance not based on merit was a threat to the quality of higher education. Robert Hutchins in 1944 feared that the institutions of higher education would admit unqualified students because they would be unable to resist the money each student brought with him. He warned that "education is not a device for coping with mass unemployment."[10] In the same year, James B. Conant gave his support to the financing of "the future education of a carefully selected number of returned veterans for three or four years."[11] He, too, feared the ability of colleges and universities to exclude unqualified students.

These were conflicts and fears. What were the results? More veterans took advantage of the opportunity for education than anyone had dreamed of. By 1955, over "2,200,000 veterans, 14.3% of all World War II veterans" had availed themselves of their entitlement to study for a college degree. In addition, another 3,500,000 veterans studied and trained in schools below the college level. At its peak, in 1947, the nation's colleges and universities were accommodating 1,150,000 veterans: a fair test for times to come.

Most educators viewed the G.I. Bill as an opportunity to extend "mass higher education." The campuses responded innovatively, experimentally and patiently in the face of extraordinary demands. The veterans -- in spite of predictions of "instability," a bias toward vocational education, an unwillingness to respect authority and laboring under the handicap of

marriage -- proved to be, in general, "serious, mature and hardworking." Veterans earned higher grades than nonveterans in the same class. Married veterans (30%) and those with children (10%) did better than their unmarried colleagues. In 1946, Conant praised veterans as "the most mature and promising students Harvard has ever had." Veterans also chose fields of study comparable to those chosen by nonveterans. At the University of Wisconsin the veterans were described as having "been a stabilizing influence on Wisconsin student life."[12]

The G.I. Bill was an enormous success. Its success and its consequences extended far beyond the period for which it was designed. It helped to prepare colleges and universities for the "baby-boom years." Probably more importantly it set one example, a successful one, of the way in which the federal government might aid colleges and universities. Federal financial aid for students, as a matter of right, was decided upon only in the Educational Amendments Act of 1972.

b. The National Defense Education Act of 1958.[13]

Twenty years ago Sputnik rocketed into orbit around the earth. Eleven months later the National Defense Education Act was passed. Sputnik galvanized opinion in the country and a quiet congressional debate on higher education changed within a year into a national crisis. Politically, the low priority given to the American space program was turned into a failure of American education in the elementary and secondary schools as well as in colleges and universities. Funds were to be made available in unprecedented amounts to all levels of education, and the support of basic research was to

be dramatically increased. In the face of the "cold war" and the national defense rationale, the traditional issues of race, religion and states' rights receded. There was general agreement that something had to be done to improve American education, especially education in the sciences.

The administration quickly mobilized a group led by Assistant Secretary of HEW Elliot Richardson to develop legislation in response to this "threat" to American prestige. On the hill, initiative in preparing an analogous package of legislative proposals was taken by Lister Hill and his immediate staff. According to one staffer there was "a curtain" drawn between those working on proposals for the Executive Branch and those working under Senator Hill's direction. Nor could the Democratic legislators look to the Office of Education for support since it was controlled by the Republicans.

Hill's staff therefore put together a "grab bag" of programs and ideas, many of which were new and others of which had been floating around in Congress or academia for a number of years. Senator Hill's instructions were to make national defense the objective of an aid-to-education bill which could be crafted to pass Congress. There, the bill would have to be guided "between the Scylla of race and the Charybdis of religion."[14] Hill dared his colleagues to vote against national defense by voting against education.

The staff, directed by Hill's General Counsel, John S. Forsythe, canvassed the presidents, deans, and some senior faculty of colleges and universities throughout the country. They called on the National Education Association, the principal of the Bronx High School of Science, as well as science teachers in elementary and secondary schools in all sections of the country. Prestigious colleges such as Yale, Chicago, MIT and Penn State

were asked for advice, as well as the higher education representatives in Washington. At various stages the staff would report to Hill for approval or disagreement.

During this period Hill was active in allying himself with Carl Elliot of the House. Both parties wanted a bill; it remained only for the Congress to present its version and then to resolve differences with the proposals put forward by the administration. Hill's staff drafted and redrafted over 30 versions of a bill. It was finally completed on New Year's Eve in a hotel room in Birmingham, Alabama, and introduced into the Senate in early January of 1958.

The administration's bill, somewhat less comprehensive in scope, was introduced by Senator Smith of New Jersey.

It is customary that congressional committees holding hearings on bills having to do with education ask the Secretary of HEW and the Commissioner of Education to present their views first. When the Senate Committee on Labor and Public Welfare took their places, they heard first from some of America's most distinguished scientists. Detlev Bronk, then President of the National Academy of Sciences, spoke first. He was followed by such luminaries in science and technology as Lee Dubridge, Wernher von Braun, Edward Teller, Adm. Hyman Rickover, I.I. Rabi, and James R. Killian, Jr.[15]

The significance of their testimony was that science in America was not lacking in superb talent among its senior practitioners but that education in science and engineering had lagged behind, had lost favor among the young who were being ill-prepared to study these subjects in colleges and universities.

Thus it soon developed that the legislation under consideration

would address itself to both elementary and secondary schools as well as institutions of higher education. To support elementary and secondary schools, inducements such as equipment and training programs were proposed to improve the teaching of science, mathematics, and foreign languages. (Support for the subjects which could be construed as assisting in religious education were avoided. While the church-state issue was quiescent, no one wished to revive it.) Incentives were offered to students in colleges and universities to become elementary and secondary school teachers of these subjects. Elementary and secondary schools benefited from grants to support guidance activities, counseling and testing activities. Representatives of vocational schools were successful in amending the vocational education provisions in order to support the training of research technicians.

There was a great deal of the bill which directly benefited elementary and secondary schools. Some commentators believe that the greatest breakthrough in national policy was to achieve an act of Congress which offered massive support to local school systems, public and parochial. The mood in the country was to get an education bill; the religious issue was muted. Even the National Catholic Welfare Council supported the measure, although schools they represented would not benefit from all of the bill's provisions. They wanted the language labs, the science curricula, and the benefits of new thinking in the teaching of mathematics.

Although the ideological breakthrough may have affected the elementary and secondary schools, the impact of the legislation was felt most strongly among the colleges and universities of the United States. Within its terms of reference, the act was generous towards public and private higher education and was in large measure responsible for the growth in graduate student enrollments in the 1960s.

Two provisions of the act as they affected higher education deserve special mention.

As originally presented, the bill provided for undergraduate scholarships to needy but able students to help them continue their education in colleges and universities. On the floor of the House, these scholarships were killed. There is a persistent rumor that the President ordered them killed and replaced by a subsidized loan program which became known as the National Defense Student Loans. (This program persists today as the National Direct Student Loan Program.) To sweeten this loan provision, a "forgiveness" clause of 50% was added if the recipient chose to serve as a full-time teacher in elementary and secondary schools; thus the loan effectively became a 50% scholarship.

An unprecedented program of national fellowships was passed to assist graduate students in the sciences, engineering, modern languages, and regional research centers, as well as a host of other disciplines. In the first year 1000 fellowships were authorized, and funds were made available for an additional 1500 in each of the three succeeding years. Each graduate student was to receive $2000 in the first year, increasing by $200 per year in each of three successive years. For each student enrolled under this program the college or university would receive an amount up to $2500 per year, the purpose of which was

> to constitute that portion of the cost of the new graduate program or of the expansion in an existing graduate program in which such person is pursuing his course of study, which is reasonably attributable to him.[16]

By any other name, these were cost-of-instruction allowances, a form of institutional aid which in later years would be debated vigor-

ously by Congress. Finally, with regard to the fellowship program begun under NDEA, its administrators took into account the expanded fellowship and traineeship programs which burgeoned under NSF and NIH, as these were linked to research grants and contracts. Therefore, at least for the first few years, 64% of the NDEA fellowships went to students in the Humanities, Education, and Social Sciences, while 36% went to students in biological sciences, physical sciences, and engineering.[17]

It was a specific object of the Act to create new centers of excellence in graduate studies, and NDEA graduate fellowships could only be used in "new" or "expanded" graduate programs. The law was clear that a university which simply reshuffled existing faculty, courses, and programs would not be considered either new or expanded.

Politically this was perhaps the most significant title of the Act.[18] Effectively, Title IV of the NDEA relating to fellowships for graduate studies stimulated the promotion of a series of new graduate schools especially through the south and west. The distribution of political influence in graduate higher education was changed. No longer could the northeast dominate this area of scholarship. It was not long after the passage of the National Defense Education Act that numbers of four-year colleges (especially in states with active public higher education systems) upgraded themselves to universities offering graduate programs. These new universities were major beneficiaries from the new centers of excellence policy of the Act. Yet, while the provisions of the NDEA were being carried out, a number of good graduate schools already in existence could have increased enrollments without increasing faculty or physical plant. It is not unlikely that, had these schools been permitted to accept students with NDEA fellowships, the cost of educating them would have been considerably less than in newly-formed graduate schools.

It was the intent of Congress to create "new centers of excellence." Congress has always preferred to spread its largesse as broadly as possible among constituents and as widely as possible geographically. Two issues, however, yet remain unresolved. Did the political motives of Congress ignore and inhibit growth in quality of institutions with already good reputations? Secondly, to what extent did the rush towards support in graduate education contribute to the production of an oversupply of Ph.D.s? In 1959 the number of doctorates awarded by U.S. universities was 9,212. In 1955, 8,904 were awarded; in 1964, 14,324 were awarded.[19]

c. The Higher Education Facilities Act of 1963.[20,21]

The National Defense Education Act was a short-lived psychological breakthrough in federal education legislation. NDEA was an omnibus bill affecting both elementary and secondary schools as well as colleges and universities. Time, politics, and further efforts to build on this precedent, colored as it was in the name of National Defense, would determine the shape of future legislative proposals.

President Kennedy favored federal aid to education and in 1961 submitted a comprehensive bill to assist elementary and secondary schools as well as colleges and universities. Elementary schools were to benefit from a host of programs which derived from those of the NDEA. The provisions affecting higher education were two-fold. A program of scholarships based on both merit and need was put forward. In addition a program of federal loans and matching grants to support the construction of undergraduate and graduate academic facilities was proposed. These suggestions to advance policy in higher education ran into a storm of objections in Congress. The basis for these disagreements were both partisan and sectarian.

Even during the Sputnik crisis, scholarships had been rejected by the House. They were to suffer the same fate at the hands of the same coalition of conservative Republicans and Democrats. Yet the issue which killed Kennedy's bill in 1961 was that of aid to elementary and secondary parochial schools.

Meanwhile in 1961 the House Committee on Education and Labor established for the first time a Subcommittee on Education. Chaired by Adam Clayton Powell, it commissioned studies to define the needs of higher education and to suggest legislative priorities. Members of the subcommittee were deftly chosen, and out of it emerged a bipartisan bloc, generally in favor of federal support of higher education, and having their own political arena in which to work out compromises. Higher education finally had its own forum in which its problems could be considered.

Probably as a consequence, efforts to pass a higher education bill in 1962 almost achieved success. Both the House and the Senate passed legislation affecting colleges and universities. The House bill contained help to construct academic facilities. The Senate bill contained scholarships, a cost-of-instruction allowance, as well as loans for the construction of academic facilities. A compromise was worked out in conference which would have "forgiven" twenty percent of the loan and retained the matching grants for construction. However, as the mid-term elections drew near, partisanship stiffened against the "scholarships." Aided and abetted by the most conservative members of the Association of American Colleges, and buttressed by the Supreme Court's decision against prayers in schools, the bill was returned to committee.

In 1963 Kennedy's third try to pass higher education legislation was more successful. Those parts of the bill which affected colleges and

universities were split off from the pre-college provisions, an important consequence of the restructuring of the House Committee. The House and Senate, realizing that increased enrollments required additional facilities, focused on this issue and were able to pass legislation to achieve this end.

The church-state arguments were muted because sectarian colleges for many years had been eligible for loans for the construction of dormitories. The law prescribed the facilities for which grants and loans could be received in order to minimize their use for religious instruction.

d. The Higher Education Act of 1965.[22,23]

The Higher Education Facilities Act of 1963 diverged slightly from the main themes of federal legislation given impetus in the G.I. Bill of 1944 and the NDEA of 1958. These bills emphasized student aid (indeed, the G.I. Bill provided for a student entitlement), and NDEA as in past tradition provided funds for the support of studies deemed in the national interest.

By mid-1964 momentous social legislation had been passed by Congress at the urging of the administration. As a result of the passing of a civil rights bill, the country would never be the same again. The Economic Opportunity Act began the War on Poverty. The Great Society had been launched. The rights of the poor and the black dominated the domestic political world.

These events set the stage in 1965 for another round of landmark legislation: the Voting Rights Act, Medicare, and the Elementary and Secondary Education Acts. The latter settled once and for all the issues of segregation of church and state in education, pre-college, and higher education. As the War on Poverty gathered momentum, it created in its wake

the fight for equal opportunity, in jobs first and education as a consequence. It was the theme of equal opportunity which dominated higher education legislation in 1965. Although a broad array of categorical programs was authorized and supported, it was the breakthrough in federal student assistance that dominated the post-facto view of the legislation.

For the first time, federal scholarships for students of low-income families were authorized. Students of exceptional financial need were to receive Educational Opportunity Grants. In addition, the Guaranteed Student Loan Program (federally insured with federal interest subsidies) was started, and the Work-Study Program was transferred to HEW from the Office of Economic Opportunity. This latter program gave preference to students from low-income families. For the first time the federal government was gathering disparate programs scattered through several agencies to harness them to the objective of equal opportunity. NDEA had not reached out far enough, and, besides, it was based on merit. The new set of federal student assistance programs would stretch further to reach the poor and the black students and offer them support to overcome income barriers to access to higher education.

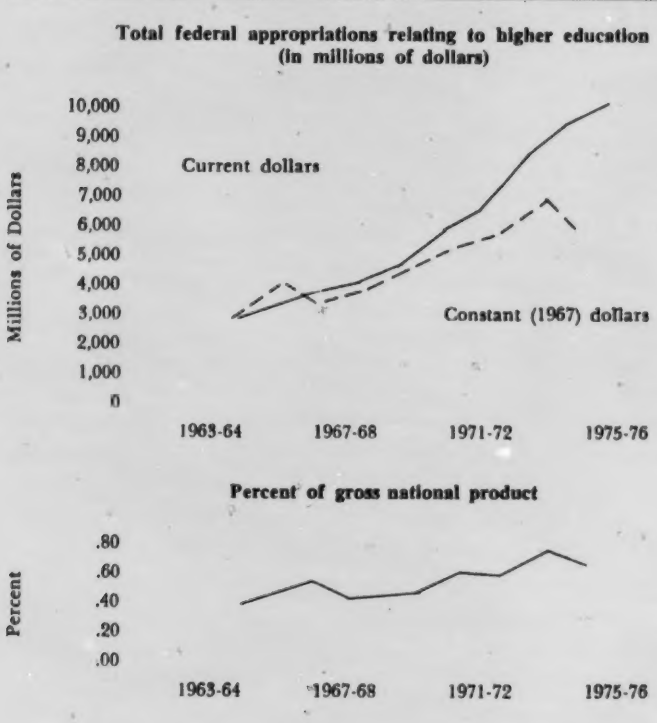
In the passion of the times there seemed to be few societal problems which could not be overcome by enlisting the support of universities and colleges. Intellectual effort plus an infusion of funds were expected to resolve the problems of the cities, the problems of poverty, and the problems of racial discrimination. Title I of the Act therefore offered matching grants to states to develop community service programs and activities. Other titles were designed to help Developing Institutions or black colleges. Still others continued the support of graduate students and graduate education.

The step-child of higher education, the libraries, received substantial and welcome assistance. The Act was an omnibus bill as well.

As shown in the following graph, federal appropriations rose dramatically as a consequence of the Higher Education Act of 1965.[24]

Figure 4

Federal Appropriations Relating to Higher Education, 1964-65 to 1974-75, and Percentage of GNP



Source: Carnegie Council on Policy Studies, 1975, p. 10

IV. THE EDUCATION AMENDMENTS OF 1972 AND 1976

1. The Education Amendments of 1972.

The Education Amendments of 1972 was probably the single most important piece of legislation in higher education to be passed by Congress, if not since the Morrill Act of 1890 then at least since the G.I. Bill of 1944. By this act the transformation of higher education into a mass phenomenon in the United States was completed. While the problems of a dual system remain and the ability of a poor student to choose a high-priced college or university is yet unresolved, higher education as a matter of right was affirmed.

The Senate and House went about developing the bill for higher education in very different ways. The differences of process resulted from differences in traditions within each house as well as differences in the objectives and principles of the major actors affecting the legislation. The role of the administration, except as it originated the single most important issue, was secondary to the role of Congress.

In 1970 the preferred strategy in the Department of HEW was to undergird the financing of undergraudate higher education by emphasizing student aid. Such a concept was in keeping with the administration's views of supporting consumer choices and leaving to the marketplace the decision as to how and where the consumer would spend the assistance. (This strategy had been foreshadowed by the administration's proposals for welfare reform in 1969.) The administration proposed to eliminate most existing student aid programs and replace them with a "floor of federal assistance for all needy students. The existing programs would

In 1970 Pell was looking towards passing a major bill in 1972 in order to support his campaign for reelection in that year. It was the principle of equalizing educational opportunity that knit the subcommittee together. Pell, too, had the idea of a Basic Educational Opportunity Grant, an entitlement, for all needy students to permit them to attend colleges and universities. Under his direction his staff worked up a proposal which would provide a low-income student $1200 per year per student minus the amount of income tax paid by the student's family. The staff bill also provided for a cost-of-instruction allowance to be paid to colleges and universities for each student enrolled and receiving such federal student assistance. Then-Senator Mondale introduced an analogous bill which, however, scaled the "entitlement" to the tuition costs of the college or university chosen by the student to attend. Other members of the subcommittee submitted additional proposals. For example, Senator Kennedy introduced "a Higher Education Bill of Rights" which closely followed the recommendations of the Carnegie Commission; Senator Williams of New Jersey proposed a Comprehensive Community College Act; Senator Javits introduced the State Student Incentive Grant Program, under which federal matching grants would be made to states to support student attendance at private institutions of higher education; Senator Dominick proposed a general institutional aid program based on capitation. The bipartisan omnibus bill was in the making.

While the Senate subcommittee was able to focus its attention on higher education legislation, the House Subcommittee on Higher Education was floundering, in 1969 and 1970. Within the House subcommittee there were a number of members who were deeply knowledgeable about and committed

to the future of higher education. Among such members were Representatives John Brademas, Democrat, of Indiana; Frank Thompson, Jr., Democrat, of New Jersey; and Albert Quie, Republican, of Minnesota. They were led by Representative Edith Green, who for years had been higher education's "representative" on the hill. A dominating, autocratic, experienced veteran of any number of political battles over higher education legislation, she had a personal stake in existing categorical programs as well as existing federal financial aid mechanisms. A firm believer in meritocracy, she was a champion of removing the bars of income, race and sex to higher education for those students who showed proven ability. She was repelled by the idea of an entitlement for higher education as compensation for past inequities.

In 1970, Representative Green wanted to legislate a higher education bill. A split in the subcommittee began at that time, since she was opposed by some of her associates, including Representative Brademas. He believed that any education bill taken to the House floor in that year would be subject to the inflammatory political issue of campus unrest. Her efforts to get a bill out failed, but the rift in the subcommittee was to have significant consequences for the future.

1971 was a critical year, because authorizations for higher education programs would run out in 1972. The Congress, therefore, would have to settle on a major higher education bill within the next eighteen months.

In the Senate, Pell continued to develop a bipartisan omnibus bill, the major constituent of which was the Basic Educational Opportunity Grant. Equal educational opportunity was to be the major theme of the bill, and consensus was to be developed by supporting the programs of his

associates on the subcommittee. Astutely, he incorporated modified versions of the administration's National Foundation for Postsecondary Education and a new National Institute of Education. This gave him the support of the minority members of the subcommittee. Capping his efforts to achieve bipartisan support was a statement by Senator Prouty, senior minority member from Vermont, that "for too long the discussion of higher education as a matter of right has been avoided."[2] A new and revolutionary form of federal financing of higher education in the United States was taking shape. Of no little significance was the failure by Senator Dominick to reintroduce in 1971 his bill to provide general institutional aid.

The Senate staff prepared a modified version of the original Basic Educational Opportunity Grant as proposed by Senator Pell. As finally accepted by the Senator, it eliminated his proposal to deduct federal income taxes and replaced it by a deduction based on "expected family contribution." In addition, the basic grant would be limited to half the cost of tuition of the college or university in which the student enrolled. The staff also affirmed the cost-of-instruction allowance as the form of institutional aid in the Senate bill. In this the Senators and their staff were anticipating the conference committee. It was clear that they were prepared to trade with the House. If the House would accept the Basic Educational Opportunity Grant as the fundamental federal student assistance program, the Senate would trade its cost-of-instruction allowance to support the proposals for massive general institutional aid then being proposed in the House by Mrs. Green and supported by the higher education associations. The Senate was not committed to support institutions of higher education. It was united to support equality of educational

opportunity. The so-called Prouty Amendment confirmed this view, since it proposed that no cost-of-instruction allowances could be paid to institutions if the Basic Educational Opportunity Grants were not fully funded.

The Senate had maintained its tradition. The subcommittee had prepared a bipartisan omnibus bill which it reported to the full Labor and Public Welfare Committee where, after increasing the maximum basic grant from $1200 to $1400, it passed unanimously. Subsequently, the Senate bill breezed through the Senate floor by unanimous consent.

The creation of a higher education bill in the House Subcommittee on Higher Education and the subsequent House-Senate conference was a bloody affair. Representative Green further deepened the existing rift within the committee by unsuccessfully trying to remove her major foil, Representative Brademas, from the committee.

For Representative Green the major motivating force to be accommodated in a higher education bill was to provide relief for colleges and universities from the "financial crisis" they faced. In contrast to her position in 1970, by 1971 she was firmly convinced that higher education, and especially private higher education, was in serious financial trouble and that the prospect of the bankruptcy of major institutions of higher learning was real. She concluded, therefore, that institutional aid was the primary objective of any higher education legislation to be passed. That she had come to this conclusion delighted the higher education community in Washington. For years they had believed that general institutional aid was the single most important element lacking in national policy for higher education. She solicited and received the support of the higher education associations in Washington in developing a specific recommendation for a formula by which general institutional aid would be distributed

among the diverse elements of higher education. This was the first time that the associations had been able to agree upon a single formula among the many alternatives which had been proposed heretofore. Thus, general institutional aid became the basis of the House bill on higher education. She also introduced the section of the bill which barred sex discrimination in college admissions, faculty, and administration. She was genuinely concerned for women's rights, but it was not so much equal opportunity that motivated her as her desire to overcome another capricious obstacle which prevented able women from achieving their full potential.

The financial implications of Representative Green's proposals for general institutional aid disturbed the administration. In response, therefore, Secretary Richardson proposed cost-of-instruction allowances as well. This form of support for institutions of higher education found favor with Representatives Quie, Dellenback, and Brademas, as well. The split in the committee, while not yet public, was widening. While the bill was in subcommittee, both Representatives Brademas and Thompson voted against Congresswoman Green's institutional aid proposals. The cost-of-instruction allowance failed to pass, as well, when a Republican member refused to endorse it.

When the bill reached the full committee, Representative Green was able to devise a compromise on institutional aid which would have awarded two-thirds of such payments on the basis of capitation and one-third on the basis of cost-of-instruction allowances. Circumstances now permitted Brademas and Quie to openly join forces in support of the Basic Educational Opportunity Grant and the cost-of-instruction allowance formula for institutional aid.

On the floor of the House a number of anti-busing amendments were added to the bill and, in the political climate of the times, eclipsed in importance the higher education provisions.

The House-Senate conference committee was called to resolve over 400 differences between the bills passed in each of the houses. Within the conference, the twelve members from the Senate were united. Twenty House members were appointed, twelve Democrats and eight Republicans. A complex and delicate series of political stretegems were played out during the conference. On the two fundamental provisions of the bill, Brademas and Thompson could be expected to join the eight Republican members led by Quie. Since the conference committee rules made it mandatory that majority delegations from each house agree, Brademas and Quie developed a strategy to induce at least one additional vote from the Democratic side on the Basic Educational Opportunity Grant and the final form of the institutional aid. As a result of their maneuvering the conference reached a point where the Democratic conferees, in spite of Representative Green, would agree to the basic grant proposal provided that existing federal financial aid programs were protected. A series of negotiations among members and staffs produced the necessary assurances.

An intemporate speech on the floor of the House by Congresswoman Green, in which she accused her fellow conferees of disloyalty to the House version of the bill, infuriated Representative Carl Perkins, chairman of the House Committee on Education and Labor. As a consequence, it became relatively easy to gain the necessary majority of House Democratic conferees to support the cost-of-instruction allowances form of institutional aid. A formula based on the number of students in a college or

university receiving Basic Educational Opportunity Grants, the number of students receiving "campus-based" federal student aid, and a capitation grant for each student enrolled at a college or university was thrashed out and agreed upon. The Senate conferees were not required to "trade off" the cost-of-instruction allowance institutional aid formula for support of the basic grant program, which had been their plan all along.

The conference, in spite of the fierce fight surrounding the anti-busing amendments, successfully resolved the two issues which will predominate the financing of undergraduate higher education over the next years.

The conference report quickly passed the Senate. In the House, however, the passage of the bill ran into another political problem. Congresswoman Green called on the higher education associations to help kill the bill on the floor. At about the same time Chairman Perkins called in the same associations to demand their active support in helping to mobilize opinion to pass the bill. The higher education community was caught between its champion of the past and the benefits to be garnered from the agreements reached in conference. They chose to support the bill, which passed the House on June 8 of 1972 and was signed into law on June 22.

2. Consequences and Conclusions.

The Educational Amendments Act of 1972 made explicit a set of broad policy themes which will determine the future course of higher education legislation and which derive from past precedents.

Equal Opportunity.

The equalization of educational opportunity based on right rather than merit is the central theme of the Act. It permeates the bill and is implicit by including the community colleges as well as occupational and career education. It is the basis of one of the state partnership provisions, and the institutional aid formula. Most important, of course, is the Basic Educational Opportunity Grant. As an "entitlement" it builds on the experience of the G.I. Bill in 1944 and the Educational Opportunity Grant created by the Higher Education Act of 1965.

The Act intends to remove not only economic barriers to higher education, but also takes the first steps to provide for stimulating motivation and counseling services which some legislators and staff feel to be a necessary supplement to the grant itself. Title IX, which bars sex discrimination, is explicit. Congress is determined that colleges and universities will no longer be able to exclude women arbitrarily from their student bodies, faculties, or administrations.

Students as the Primary Beneficiaries of Federal Support.

Many members of Congress are concerned about the financial and intellectual health of colleges and universities, especially those in the

private sector. A case has not yet been made that it is appropriate federal policy to assure the survival of all institutions of higher education in the United States. Those the students support will survive, and consumer choice will be the determinant.

Thus, when Congress adopted for the first time a program of federal institutional aid, it was structured so that it was intimately linked and dependent upon the federal programs of financial assistance to students.

Federal and State Roles.

As a consequence of giving first priority to student assistance and a lesser priority to institutional support, the federal government reaffirmed the traditional division of federal and state roles in higher education. It was left up to the states to maintain the public system, while the federal government would assist institutions only insofar as they promoted a national objective: equalization of educational opportunity.

Federal-State Relations.

The traditional partnership between these two levels of government in higher education was reaffirmed. The partnership has been in existence since the Morrill Act of 1862. Under Section 1202 of the Bill, the federal government may provide funds to comprehensive postsecondary education commissions which may carry out state-wide planning and coordination of higher education. In addition, the State Student Incentive Grant

program is designed to increase the numbers of sources of grants available to needy students who want to pursue higher education.

Postsecondary Education.

By extending the federal support to institutions not heretofore generally considered part of "higher education," the Act broadens the options available to students on leaving high school to include career preparation, training, occupational education, the services provided by proprietary institutions, community colleges, and to students who attend school at least half time. Through the Act, these institutions and students gained respectability and status. In order to include them within the spectrum of jurisdiction of congressional committees at least, the term "higher education" has been dropped from use and replaced by "postsecondary education."

Reform and Innovation.

If, as anticipated, the Basic Educational Opportunity Grant program makes institutions more responsive to student needs, then it can be construed as an indirect means of inducing reform and innovation in institutions of higher education. Congress dropped the opportunity to exert strong and direct influence in achieving these two ends when the administration's proposal for a National Foundation for Higher Education was so diluted that it emerged in an almost unrecognizable form as the Fund for the Improvement of Postsecondary Education. Indeed, it may be that the inability to find ways in which to support "excellence" in higher education was the single greatest failing of the Act.[3]

Information and Accountability.

Throughout the legislative process Congress was frustrated, irritated, and thwarted in their efforts to define in a more rational way the priority needs of the higher education system. The information in a relevant form seemed not to be available or forthcoming. They ordered, therefore, that a number of studies be prepared which would provide them with the information they believed they would need in the future. Accountability is of increasing concern to the Congress. They are concerned that funds authorized and appropriated be spent as the law determines. They are also concerned with the accountability of the Executive Branch. Finally, a little-noticed provision of the law mandates that colleges and universities, as a condition of receiving federal aid, provide data on how much it costs to educate a student. This could be interpreted as the beginnings of the development of cost-accounting standards for all institutions of higher education, a dismal prospect indeed.

Continuity of Programs.

Although the Congress took major innovative steps, it was not willing to see past programs dismantled, especially those involving student aid. It took steps to protect them.

It is not uncommon for congressional leaders to complain that once a program has been established it is virtually impossible to eliminate it. It may have been that Congress wished to defer decisions on the older student aid programs until experience with the new Basic Educational Opportunity Grants provided them a more solid foundation upon which to make decisions.

3. Winners and Losers.

An omnibus bill is a political document reflecting the trade-offs, bargainings, and compromises that go on during the legislative process. It is also the means by which solutions to problems facing American society are written into law.

In legislation having to do with higher education where there is relatively little partisan dispute, although there may be philosophical preferences, there are seldom winners and losers among the actors who attempt to influence the outcome. During the course of the passage of the Educational Amendments of 1972, however, some actors and institutions gained, and some lost.

For example, Congresswoman Green lost. She lost her reputation, her influence, and her ability to lead the political forces which will shape the future of higher education in America. It was not by accident that in 1972, towards the end of the debate on the Amendments, she transferred membership from the House Subcommittee on Higher Education to the House Appropriations Committee. On that committee she tried to influence the outcome of higher education legislation, but it was clear she could no longer command the attention and respect of her colleagues on the subcommittee and former associates in the higher education associations.

Senator Pell and Congressman Brademas were winners. Among the many alternative policy options available, they chose, supported, and finally successfully fought the political battles to achieve the one which more nearly resolved the dilemmas of public opinion, political responsibility, and the future of higher education. They chose to promote equal opportunity.

It is reasonable to say, as well, that there was enough in the bill as passed by Congress to cause some satisfaction within the administration. After all, the basic grant was originally proposed by the Executive Branch at about the same time Pell developed his own version of the idea. Also, at least in part, the form of institutional aid adopted resembled that belatedly submitted by the administration. They lost on many issues but at least could take heart from a few parts of the bill which closely resembled their own proposals.

The higher education associations were perhaps the greatest losers. In hindsight, they made grave political errors in choosing to put all of their hopes and support behind Representative Green. They were inflexible in their support of institutional aid as the only means by which the federal government could significantly assist institutions of higher education in America. Such was the strength of the support of this idea that they came out of the battle perceived as patronizing, unyielding, and unwilling to support their proposals with precise policy analysis. Their efforts on behalf of the passage of the bill in early 1972 did little to erase the antagonism they generated in the House and Senate during the course of the bill's development.

John Brademas is quoted as saying: "We turned to the citadels of reason. We said 'tell us what you need' and they answered: 'we need $150 per student, because that's what we've been able to agree on.'"[4] Brademas found this a very weak argument. In 1973, Stephen K. Bailey, then Vice-President of the American Council on Education, said: "Whether we believe it to be fair or just, we have a reputation - at least in this town (Washington) - for being exclusive, self-indulgent, patronizing,

and sloppy." [5] In his annual report for 1974-75, the President of Harvard University makes the following comment: "Government officials have also had some sharp comments to make about the attitudes of college and university spokesmen toward Washington. Congressman John Brademas expressed these criticisms well by calling for 'a little more information and a little less admonition from the higher education community'... The quality of government regulation does not depend simply on the intelligence and judgment of public officials, but on the adequacy of the information and advice that these officials receive to assist them in their work. According to many critics, higher education has done a poor job in meeting this responsibility."[6]

After the debacle of 1972, the American Council on Education attempted to strengthen itself in order to try to avoid the criticisms leveled against it in the past few years. Charles B. Saunders was brought in to be director of a reorganized office of governmental relations. A new policy analysis service was created in order to improve the quality of information generated and provided to the Congress. In addition, Stephen K. Bailey was appointed Vice-President of the Council in order to provide advice to the President and direction to these newly formed supporting mechanisms.

In conclusion, it is of use to note that the Basic Educational Opportunity Grant does derive from historical precedents. It is an extension of the Educational Opportunity Grant of the Higher Education Act of 1965 and in addition, when fully funded, will be analogous if not identical to returning servicemen under the G.I. Bill of Rights. Secondly, the cost-of-instruction allowances are analogous to those accompanying grants of federal funds to Land-Grant Colleges under the Morrill Act of 1890.

The federal-state partnership is not much different from the precedent set in the Morrill Acts of 1862 and 1890. Most legislation in higher education evolves from existing policy and past history.

4. The Education Amendments of 1976.

Unless extraordinary change in public and political opinion occurs in the course of the next two or three years, it is likely the sequence of legislative actions regarding higher education will repeat that of the past.

Major innovations in higher education were introduced by the Higher Education Act of 1965. In 1968, higher education legislation only marginally changed the provisions of the law passed in 1965. Congress wanted time for its original handiwork to mature and prove itself out, one way or another. (The rise of the "youth culture" and campus unrest contributed to the modest legislation of 1968.) The social phenomena of the time provided a supporting excuse, rather than a proximate reason for the generally unresponsive attitude toward change in 1968.

As in 1965, the Educational Amendments of 1972 introduced extraordinary changes in higher education. The reauthorizing legislation of 1976 was very unassuming indeed.

Yet, it is worth following the politics of the Educational Amendments of 1976 because it may be possible to glimpse the direction which legislation may take in 1980.

In 1973 James O'Hara (D., Mich) succeeded Edith Green as Chairman of the Subcommittee on Postsecondary Education in the House. He was highly regarded as an able, intelligent, and quick legislator but with little experience in "higher" or "postsecondary" education.

Through the latter months of 1973 and into the summer of 1974, O'Hara chaired a series of hearings on student aid which were comprehensive in scope and determined in detail.

These and subsequent hearings focused on the "tuition gap" between private and public institutions of higher education. The tone of the private sector had muted. The dire predictions of the early '70s, that without direct federal assistance only the richest of the private colleges and universities would survive, had not proven true. (Between 1970 and 1975, 28 private colleges closed their doors, 7 had merged with other colleges, and 5 had converted from private to public institutions.) Now the private sector sought some kind of relief for their financial woes, rather than rescue. They claimed to provide a unique quality of higher education which should be preserved, even in the face of ever-mounting costs. They argued that because of the tuition gap they would lose the capacity to attract a diverse student body, and hence the intellectual life of the private colleges and universities would grow dull through a leveling process.

The public sector was less active in advocating change in the student aid program, partially because the public sector was, with two exceptions, reasonably content with the package of federal aid programs. They focused their attention on the one-half-cost limitation in the BEOG program and, with the proposal to permit students participating in the SSIG program, on using these grants to attend private institutions outside of the state granting the funds. State universities and land-grant universities considered that state funds used in the private sector were funds they "lost" in support of their own systems.

Among the ideas put forward by representatives of private institutions and their lobbies was a federal "tuition offset" proposal. Federal funds were to be made available to cover part of the tuition gap. The various members of the House, liberal and conservative, Republican and Democrat, shied away from a program so obviously intended to help the private sector and so directly aimed at tuition policy at both private and public institutions.[7]

While the private colleges and universities and their supporters were emphasizing "choice" as a major policy goal for amending legislation, the public sector claimed that low-income students were still finding "access" to postsecondary education difficult. It was their argument that low-cost public education could better fill the needs of students from families of low income.

O'Hara, to the surprise of many observers, opted for low-tuition public higher education. The Chairman was influenced by the release in 1973 of two reports on financing higher education. Both reports, one by the Carnegie Commission[8] and the other by the CED,[9] recommended increasing tuition in the public sector in order to narrow the tuition gap. These reports were perceived by O'Hara as an attack on low-cost public higher education, notwithstanding the protestations of representatives of private higher education.

Subsequently, O'Hara was regarded as less "friendly" to private higher education than his predecessor or many of his associates on the subcommittee. The prospect for a federal student aid program emphasizing "choice" receded, and representatives of the American Association of Colleges in association with the Association of Jesuit Colleges & Universities began to prepare

to battle the issue in public. However, prior to an open break in the ranks of higher education, the private sector decided to try to protect what they already had from erosion. This meant that their efforts were directed at retaining the "campus-based" student aid programs which provided some funds to meet student "needs" over and above the grant offered by BEOG. In addition, they focused on retaining the half-cost limitation in the BEOG program, reasoning that if a student had to find some funds to pay for tuition, the competitive gap between private and public institutions would be eased, if only a little. (That the half-cost provision was particularly onerous to low-income students and that its congressional intent was not to provide for support of private higher education did not deter the advocates of its retention.)

In 1975, O'Hara introduced two education bills. One extended the term of authorization of a group of categorical programs. The other, and more significant, proposed the restructuring of federal student aid, in ways almost entirely to the disadvantage of the private sector. (The bills were drafted by James Harrison, then O'Hara's counsel on the subcommittee and believed by many in the private sector to be their main opponent.) While the bill accurately defined the policy preferences of O'Hara and Harrison, it was believed to be an attack on private higher education. The half-cost limitation would be removed and their competitive position made worse. The one grant program administered on campus and "need-related" would be removed. Direct student loans would be eliminated, and need-relatedness was eliminated from the work-study program. These were but a few of the bill's provisions which were anathema to the AAC and its associates.

These were the years in which higher education, private and public, appeared burdened by "excessive" federal regulation, lack of support in the Executive Branch, as well as a decline in support from the public.

Two events then occurred which made matters worse for all of higher education. The events are interrelated in time. Working cooperatively on behalf of the private sector were the governmental relations specialist for AAC and the vice-president of the Association of Jesuit Colleges and Universities. They believed intially in working within the "umbrella" of the American Council on Ecucation. In that forum, along with representatives of the scores of higher education interest groups, they believed that they had "struck a deal." They, representing the private sector, would refrain from proposing and lobbying for ways of reducing the tuition gap; that is, increasing tuitions at public universities and colleges. In exchange, they believed that none of the other groups represented would advocate or support the elmination of the half-cost limitation.

At about the same time in 1975, a new actor in the political arena of higher education appear on the scene. The Consortium on Financing Higher Education (COFHE), composed of 23 of the most prestigious private institutions of higher education, issued a major report on student aid. COFHE proposed that the half-cost limitation of BEOG be removed and that BEOG become more sharply defined as the vehicle for "access" to postsecondary education. To assure "choice," the Consortium proposed that SEOG be redesigned to account for differences in tuition.[10]

The proposal ran into the symbolism of the half-cost limit held by the representatives of the private liberal arts colleges. Notwithstanding that both COFHE and the ACE had, by analysis, each shown that the limit

played no great role in a student's choice, the vocal groups among the private sector believed themselves to have been betrayed.

Meanwhile, O'Hara's proposals were coolly received by his associates on the subcommittee and by the higher education interest groups. A vaccum for policy proposals had developed; and, while Brademas, Thompson, Quie, and others leaned towards the COFHE proposals, they did not want to repeat the battles of 1972 with their chairman again. While the private sector fought among themselves, the legislators could not "feel" a strong political demand for new ventures in higher education legislation or for support of the private sector. Besides, Senator Pell was clearly signaling that he wanted the Act of 1972 to remain substantially unchanged in order to gain greater understanding of its effects.

With some modification, the COFHE proposals were reasonable, and, had a strong consensus around them been built, they might have filled the vacuum in legislative proposals.

However, the AAC and their allies lobbied openly and hard against COFHE and the tuition gap. The public colleges and universities lobbied equally strongly for elimination of the half-cost limitation on BEOG and against a decrease in their share of SEOG funds which would have resulted from the COFHE proposals. The private sector was divided within itself. As originally set out, the COFHE program would have benefited the larger, more prosperous colleges and universities more than the smaller liberal arts group. The consortium quickly readjusted their formula to make the distribution of benefits more palatable to the other private institutions but not more responsive to the attacks of the private sector.[11,12]

In contrast to 1972, there was neither consensus, nor crisis, nor commitment to stimulate the resolution of interests and create a "new" bill. While trying to mark up a bill some new proposals emerged, but none could gather sufficient momentum or support to lift it out of the doldrums in which it was floundering. A proposal for a "Super-BEOG," combining BEOG and SEOG into a single cost-related grant, was floated by the ACE.[13] Although it may become one path for the future, it had insufficient exposure, discussion, and analysis to affect any change in prevailing attitudes.

In the Senate, Pell's views prevailed. Little new was added to the Act of 1972, and these were limited to "refinements." As in the House, the issues of "access" and "choice" were raised, but here, too, they defied resolution.

In conference the net result was to extend the authorizations of 1972 for four years to 1980 and to make some adjustments to the Guaranteed Student Loan Program.

In the past few years, the several student aid programs have fared reasonably well in the appropriations committees. The BEOG program has been funded to satisfy successive classes so that it now is available to students during all four years of college. The other student aid programs have been supported at relatively fixed or slightly growing appropriations. However, no funds have been appropriated for the cost-of-instruction allowances.

5. Directions in Which Congress May be Going.

Changes in Actors.

The prospects for 1980 are difficult to foresee. It is clear, however, that the political climate of 1980 will be different. It is not

likely that higher education will become a matter of urgent public or political concern. It will remain a subject reasonable of support but not a pressing issue, unless the nation faces another national trauma comparable to Sputnik or the bankruptcy of several major elite private universities.

Some of the actors in the Congressional arena have left, and others may disappear as a result of the elections of 1978. O'Hara has been replaced by William D. Ford, Democrat of Michigan, as Chairman of the House Subcommittee on Postsecondary Education. He is new to the job, able, quick, and articulate. He has not yet had an opportunity to indicate what views he holds strongly. Within the subcommittee he must contend with Brademas, one of the "heroes" of 1972, and with Frank Thompson, a quieter but no less influential and powerful figure. How the dynamics among these three strong figures evolves will perhaps determine the course of the hearings leading up to the legislation of 1980.

Brademas is a rising star among Democratic members of the House of Representatives. He is now majority whip. When the House reorganized for the 95th Congress in 1977 his bid for the Chairmanship of the Subcommittee on Postsecondary Education failed for several reasons, among which was his attempt to combine jurisdiction over the arts and humanities with post-secondary education.

On the minority side, Albert Quie will leave the Committee. A friend of higher education, especially private higher education, will be gone. John Buchanan, a liberal Republican from Alabama, is an unknown in whom some competent observers have placed considerable hope.

On the Senate side, Senator Pell remains the significant leader in higher education. He is preoccupied now with legislation involving elementary and secondary schools. However, should his bid for reelection in 1978 be successful, the time would be appropriate for him to turn his considerable abilities and skills to higher education for 1980.

The higher education associations remain more acted upon than active. Notwithstanding their attempts to "beef-up" their competence in sophisticated information gathering and policy analysis, their motives, manners and capacities remain in doubt. Both the American Council on Education and the Association of American Universities have new presidents. Whether they will be willing and able to lead their organizations and, by example, interest groups representing other sectors of higher education into a more activist, influential, and powerful role remains to be seen. Compared to the National Education Association or lobbies associated with welfare groups, the higher education associations are mild, modest, and without political "clout." They have an opportunity to improve their effectiveness over the next two years; however, the diversity of the types of institutions they represent, and the conflicting objectives among the various sectors of higher education make this an extremely difficult task. Each major proposal is analyzed by each association to determine what proportion of the benefits each receives. It is difficult to imagine that any of them will altruistically or voluntarily give up any part of the share they believe they deserve in favor of any other sector of the higher education enterprise.

Finally, a new Democratic administration changes the pattern of executive-legislative action in higher education. For eight years, a Democratic Congress took the lead in originating and developing legislation in higher education. Administration initiatives were not received sympathetically. A Democratic Congress must now pay close attention to the programs and proposals in higher education offered by the new administration. While yet caught up in welfare reform and health-related matters, it will not be long before the administration's attention must focus on higher education. There have been few signals as to what position the administration will take. During the campaign President Carter came out in favor of a Department of Education but did not elaborate on the objectives or constituents of such a department. He also expressed concern on the issues of access and choice. Vice-President Mondale was an education senator among whose primary interests included scaling an entitlement to cost-of-tuition. How much his past concerns will influence future policy recommendations is yet but conjecture.

Appendix No. 1

THE EDUCATION AMENDMENTS OF 1972: A CASE STUDY

It was four years later, in 1972, that the Congress again passed higher education legislation. The results of their actions will shape the course of higher education in the United States for decades, at least insofar as the federal government affects undergraduate education, its quality, its breadth, and especially how it is paid for.

This case study emphasizes the interplay of institutions, personalities, and policies. It is detailed in order to highlight the politics involved as well as the process.[1]

In the most general terms, the Education Amendments of 1972 completed the transformation of higher education into a mass phenomenon in the United States. While the problems of a dual system remain, and the ability of a poor student to choose a high-priced college or university remains unresolved, higher education as a matter of right was affirmed.

The Administration's Views.

On assuming office in 1969, President Nixon found that the key political issue concerning higher education in Washington was "campus unrest." Several bills were introduced which would have punished demonstrators on campuses throughout the country. None were ever enacted, although this threat by Congress was potent during the debates leading to legislation in 1972.

Higher education was not among the new administration's top priorities in any case. In 1968 Congress had extended authorizations of the Higher Education Act of 1965 for four more years. Among social programs, welfare reform held the highest priority in the early years of the first Nixon

administration. Under Nixon the Democratic Congress changed its role with regard to higher education. It became an activist group. During the Kennedy and Johnson years, the initiatives for reform and change came from the administration. Under a Republican President, Congress was less constrained to originate and propose ideas of its own. Besides, there was a prevailing distrust of the new administration's attitude towards social programs in general, and higher education in particular. The freedom of Congress to originate legislation was particularly appealing to Representative Edith Green, who had chaired the Subcommittee on Higher Education of the House Committee on Education and Labor for many years. She had become the "voice" of higher education in Congress after Senator Wayne Morse, who had been higher education's advocate in the Senate, was defeated in his bid for re-election. Morse was replaced as Chairman of the Subcommittee on Education of the Senate Committee on Labor and Public Welfare by Senator Claiborne Pell of Rhode Island. Both Pell and Green were considered liberal in political outlook, and both were believed to favor an expanded role of government in higher education.

In 1969, after years of prodding by Representative Green and Senator Morse, who urged that the higher education associations present a united view of higher education's needs, the American Council on Education, on behalf of the major associations, declared that general institutional aid was the critical and essential element lacking in the "mosaic" of federal government activity in, and responsibility to, higher education.[2] They failed, however, to specify the ways institutional aid would be distributed among colleges and universities.

General institutional aid contrasted directly with the new administration's policy planning on higher education.

Such planning had begun in late 1969 and early 1970 by Lewis H. Butler, who had been appointed Assistant Secretary for Planning and Evaluation, succeeding Alice Rivlin. Butler's preferred strategy for higher education was in close harmony with that of his predecessor, since he favored a policy of federal participation in higher education emphasizing student aid and consumer choices, leaving to the marketplace and the consumer the decision as to where the student would choose to go to college. It was an appealing strategy for two reasons. First, the costs to the federal government of interest subsidies on National Direct Student Loans and Guaranteed Student Loans were spiraling. By eliminating these programs, the burden on the budget could be contained. Pressure was being exerted by budget and treasury officials to get the federal government out of loan programs over which costs could not be controlled. Secondly, within the administration it was believed that the strategy of student assistance, especially for low-income students, was more equitable and more in keeping with promoting equal educational opportunity. The federal government would establish a "floor of federal assistance for all needy students. The existing programs would be restructured into a basic entitlement..."[3] The entitlement would be reduced by the "expected family contribution," which was based on family income.

Within the administration, on another front, Daniel Patrick Moynihan argued for the development of a National Foundation for Higher Education modeled on the National Science Foundation. Moynihan pushed for the Foundation to achieve three goals. It would be a means of channeling funds for the support of excellence and reform in higher education. Secondly, it would identify and support programs and colleges which "play

a uniquely valuable role in American higher education or that are faced with special difficulties." Finally, the Foundation would serve to develop national policy in higher education.

It was proposed that the Foundation be an independent agency with a board of directors drawn from the higher education community and thus be in a position to allocate funds on the basis of the needs as perceived by that community. In addition, the Foundation was considered to be a means of supporting excellence in prestigious universities which were thought to be in serious financial trouble.

The final refinements of the administration's policy were determined by a White House "Working Group on Higher Education." The Group was headed by Edward Morgan, then an Assistant to the President for Domestic Affairs, and included representatives of the Office of Management and Budget, the White House, HEW, the Office of Science and Technology, and the Department of Labor. As a result of a process of trade-offs within this Group, the two major policy proposals of the administration - student aid as the primary emphasis of support for higher education and the Foundation as the administration's vehicle for the support of excellence - were agreed upon.

With the help of Lee Dubridge of the OST, the Foundation was approved. However, to win over the Office of Education and HEW representatives, as well as those from the Office of Management and Budget, it was conceded that the Foundation would also be the locus of support for Developing Institutions (black colleges) Programs and act as a repository for a series of categorical programs, authorized but as yet unfunded and which OMB wished to phase out.

With regard to student aid, a "floor" of $1,400 was proposed. The $1,400 was chosen as an estimate of what a family earning about $10,000 in annual income could afford. For middle-income families, the administration offered a program of unsubsidized but federally guaranteed loans from the private sector.

The congressional response to these "liberal" and unexpected policy proposals was shrill and ironic. Democrats in both houses objected to student aid proposals which neglected middle-income families. They were also concerned that student aid would be centralized in Washington and that the "campus-based" programs would be eliminated. Furthermore, there was deep mistrust of the commitment on the part of the administration to furthering equal opportunity. President Nixon's budget of Fiscal 1970 proposed to spend $500,000,000 less for education than had been appropriated. The effort to restore these funds was led by a coalition of lobbies dominated by the AFL/CIO and the NEA. They were successful. However, President Nixon vetoed the appropriation, and a raging battle to override this veto failed. These efforts were led by "The Emergency Committee for Full Funding of Education Programs," whose main strength came from the AFL/CIO and the NEA. The higher education associations in Washington joined this fight reluctantly; it was not their style.

As a consequence of the veto, Nixon was viewed as "anti-education" in the higher education committee. Stung by their failure to override the presidential veto, the Full Funding Committee, including the higher education associations, denounced the administration's education program. In their view, the administration's proposals for higher education failed to include general institutional aid, abandoned the middle-income family, and phased

bill by supporting programs and proposals favored by his associates. By compromise, negotiation, and bargaining, he got the broad consensus he needed in order to get the majorities in the full committee and in the Senate, which in turn would establish a strong negotiating position when dealing with the House in conference committee. In contrast, the Subcommittee on Higher Education of the House, under the leadership of Representative Edith Green, was divided within itself to the very end of the legislative process on the substance, objectives, and form of a higher education bill.

Hearings on a higher education bill began in 1970 in the Senate. Since he was up for reelection in 1972, Pell wanted a major bill with which to be identified in order to support his campaign. On his subcommittee the Democrats were liberal in outlook, they had experience in higher education, and they had a personal interest in building on past achievements. Equalizing educational opportunity was the thread that knitted them together. On the Republican side of the subcommittee, three of the five members were liberal, and the two conservatives proved to be strong supporters of Pell's proposals.

Senate tradition has it that the chairman and staff of a subcommittee take the lead during the hearings process and in the early stages of a bill's development. It is expected that the chairman will protect the interests of each of his associates. During the mark-up, the conflicts are ironed out. Because senators must cover more subjects than congressmen, a senator is more dependent on staff. But the staff is always held accountable.

The process which resulted in the passage of the Higher Education Amendments of 1972 began in the winter of 1970, when Senator Pell asked his staff to draft a bill which would entitle any student to a tuition allowance

of a fixed sum, minus the federal income tax paid by that student's family. In response, the staff worked up a bill which would have provided any student with a Basic Educational Opportunity Grant in the amount of $1,200 per student per year for each of four years, less the federal income tax paid by the student's family. In addition, the staff's proposals included converting the Educational Opportunity Grant, created in 1965, into a Supplemental Educational Opportunity Grant. The bill also provided cost-of-instruction allowances to colleges and universities for each student enrolled and receiving federal student aid assistance.

During hearings on his proposal, Pell came out against tax credits or other forms of general institutional aid, as well as student aid programs heavily dependent upon loans as a means of financing higher education. Pell was certain that none of these programs would be sufficiently responsive to the objective of equalizing educational opportunity. At about the same time, then-Senator Mondale submitted a substitute bill which reflected Pell's preference for direct student aid as an entitlement and as the major form of federal assistance in financing higher education. In addition, however, it was Mondale's view that not only should federal policy permit access to higher education by all students wishing to avail themselves of it, but also that the student not be limited to the choice of college he or she could attend by financial constraints. Mondale's bill, therefore, linked the direct basic grant to the actual cost of attendance at the institution of the student's choice.

Senator Kennedy introduced a bill calling for " a Higher Education Bill of Rights." This bill was derived from recommendations of the Carnegie Commission and provided for a vastly expanded Educational Opportunity Grant plus cost-of-instruction allowances to institutions.[4]

Senator Williams of New Jersey introduced the Comprehensive Community College Act. He was influenced to do this by the American Association of Junior Colleges, an association which wanted recognition and status for two-year colleges, as well as institutional aid to support them. The timing of Senator Williams' bill was appropriate, since New Jersey was then just beginning to develop a large community college system; and Williams wanted to be associated with a major higher education bill.

On the minority side, Senator Javits introduced the administration bill. He did this as a courtesy, and it was clear that, on the Senate side at least, proposals from the administration were not going to be given much attention. In addition, Javits introduced the State Student Incentive Grant Program, under which the federal government would provide, on a matching grant basis, funds to states which in turn would offer grants to students to meet tuition costs at either private or public universities within the state.

It was Senator Dominick who introduced the bill proposing general aid to institutions of higher education. Highly regarded by the higher education lobby in Washington, it provided for payments to colleges and universities based on the number of baccalaureate degrees awarded each year, and set aside 15 percent of the authorized and appropriated funds for the benefit of students attending two-year colleges and technical institutes.

The political response to student unrest and campus riots, culminating in the tragedies at Kent State University and Jackson State University, barred any bill from passage in 1970. However, the hearings held in association with these bills made at least three things clear. First, Pell was going to throw his considerable weight as chairman behind

an entitlement program for students of higher education. Access to college was to be a matter of right. He would not choose between private and public higher education. His feelings, however, were clear when he declared that while everyone need not go to Princeton, any qualified low-income student should have the opportunity to attend at least a two-year community college or a four-year state college. Secondly, he had an omnibus bill in the making. He was molding the necessary bipartisan political coalitions to carry it through. Finally, the lack of attention given to his proposals by the higher education community created an adversary relationship between them. Pell felt that they would not pay sufficient attention to his proposals and were unavailable to new ideas.

The House of Representatives in 1969 and 1970.

In 1969, in contrast to the Senate, the House, on matters dealing with higher education, was preoccupied with campus unrest.

The House Subcommittee on Higher Education was chaired by Representative Edith Green of Oregon, who for years had been higher education's advocate in the House. She was known as the "education representative." Over the years she had sponsored and fought for legislation to benefit the higher education community and had assumed a proprietary interest in these enactments. On the subcommittee with her, however, were other members who were just as interested, knowledgeable, forceful, and concerned about the path in which higher education would move in the seventies and eighties. Among these were John Brademas, Democrat, of Indiana; Frank Thompson, Jr., Democrat, of New Jersey; and Albert Quie, Republican, of Minnesota.

Among the bills introduced in the House designed to curb campus unrest was one sponsored by Green herself. She believed her bill was moderate in tone compared to the draconian measures being proposed by others. Nevertheless, within her committee Brademas and Ogden Reid formed a coalition which was successful in killing the Green bill. The rift between Brademas and Green was to have unanticipated consequences during the course of the next two years, as the House moved to pass a higher education bill. During the final months of 1969 and the first few months of 1970, various members of the subcommittee introduced bills having to do with higher education, many of which reflected and complemented those in the Senate. For example, Thompson introduced a bill having to do with community colleges which was identical to Senator Williams' bill; Brademas and Reid introduced the Higher Education Bill of Rights, reflecting Senator Kennedy's bill; Erlenborn of Illinois submitted a bill to warehouse Guaranteed Student Loans; and Albert Quie offered a bill to provide institutional aid to colleges and universities based on the number of baccalaureate degrees awarded each year.

The administration's bill, submitted in March 1969, was greeted with enormous suspicion in the subcommittee. The administration's support for financial assistance to low-income students was thought to be a cover for their attempts to reduce federal expenditures in higher education. Although the President's bill was coolly received within the subcommittee, the members could not decide which of the alternative policy directions for higher education they wished to pursue. While many alternatives were presented - aid to low-income students, aid to middle-income families, aid to institutions, the financial crisis in the private sector of higher

education, and the need to support excellence - no consensus was arrived at about which were the critical priority issues.

The committee was split as well over whether or not to report a bill on higher education in 1970 at all. Green wanted one in order to introduce forward funding into the student assistance programs already on the books. Brademas was concerned that a higher education bill could not help but get caught up again in the battle over campus unrest. In an election year, he wanted to avoid that issue at all costs. By deft parliamentary maneuvering, Brademas, and Quie, who had changed his mind about the necessity of a bill dealing with campus unrest, were successful in killing any bill from moving beyond the subcommittee.

When Congress adjourned in 1970, the administration had defined the policy direction it would support in higher education. The Senate had begun to shape an omnibus bill the priorities of which were innovative and firmly entrenched. The House, however, was floundering, undecided and beset by incipient rifts in hitherto strong alliances.

The Administration in 1971.

In 1971 Elliot Richardson, who had replaced Robert Finch as Secretary of HEW, resubmitted a modified version of those ideas offered in 1970. The entitlement was retained but the Foundation was recast to eliminate its independence. In addition, the idea of putting categorical programs into the Foundation was dropped. These programs would remain in the U.S. Office of Education. The administration's proposals were again received coolly by Congress, which felt free then to determine for itself what the critical issues in higher education were and to develop a bill to meet them.

The Senate in 1971.

In February of 1971 Pell submitted S-659, the Educational Amendments of 1971. This omnibus bill incorporated the Basic Educational Opportunity Grant program and the cost-of-instruction allowance associated with it. These allowances were a form of institutional aid but were tied to the number of students enrolled in a college or university who were receiving federal student aid assistance. In order to avoid dependence on loans as a means of long-term financing of higher education, a bill providing for "warehousing" and thus increasing the supply of private funds available for loans was introduced. Although Congress would not offer a "free ride" to students seeking a college education it was equally adamant that no student need mortgage the future for this purpose.

The bill also proposed creation of a new three-part higher education division in HEW: the Office of Education, a new National Foundation for Postsecondary Education, and a new National Institute of Education. By incorporating the Foundation and the Institute into this bill, Pell was able to gather at least some minority support, since these were administration proposals. He agreed that innovation and reform, the functions of the Foundation, were needed in higher education. The upgrading of research in education, the function of the Institute, was needed as well. Finally, in order to improve the administration of federal higher education programs passing through a state agency, it was proposed that each state would designate a single commission, representative of the public and of the higher education community, to administer these programs. In addition, federal funds would be made available to the commissions to carry out comprehensive state-wide planning and coordination of higher education within the state. These were to become known as the "1202 Commissions."

On the Republican side of the subcommittee, Senator Prouty came out strongly in favor of a financial floor of assistance to students entering institutions of higher education. "For too long the discussion of higher education as a matter of right has been avoided."[5] Leaders of the majority and minority sides of the subcommittee had joined forces. A new and revolutionary form of federal financing of higher education in the United States was a certainty.

Senator Dominick's proposal to provide general institutional aid based on the number of baccalaureate degrees was not reintroduced in 1971. It had been opposed by the Office of Management and Budget on financial grounds and by HEW on policy grounds. The only type of institutional aid considered in the Senate was the cost-of-instruction allowance which, because it was dependent on the enrollment of federally aided students, tied the institutional aid to a national objective, that of equal opportunity. Most of the senators felt that it was inappropriate for the federal government to provide general support to assure the survival of all institutions of higher education.

By May of 1971 the subcommittee could agree to begin to prepare a bipartisan omnibus bill.

In Pell's original proposal, the amount available to the student as a basic grant depended on the federal income taxes paid by the student's family. Use of the federal income tax to determine eligibility for the basic grant was rejected by the Republican side of the subcommittee. After six weeks of negotiation, the majority and minority staffs came up with a four-part formula for the basic grant program. These were, first, that the basic grant entitlement would be $1,200 minus the expected contribution from

the student's family. The amount of the basic grant would be limited, not to exceed one-half the cost of tuition of the institution in which the student was enrolled. The expected family contribution was to be based on a schedule designed by the Commissioner of Education, and part-time as well as full-time students were to be eligible for the basic grant. (Part-time was defined as at least one-half-time attendance.)

Pell approved the new formula and thereby managed to enlist the support of the two senior minority members of the subcommittee, Prouty and Javits, for the most important provision of the bill. The half-cost limitation was put into the bill on the insistence of the Republican members of the subcommittee in order to prevent a student from obtaining a "free ride" at institutions with low tuition costs. In addition, Senator Prouty believed that the half-cost limitation made the basic grant neutral among private and public colleges and universities.

To the basic grant program, then, were added a host of other programs introduced and supported by other members of the subcommittee. Among these were a less expensive version of Senator Williams' Community College Bill; several amendments sponsored by Senator Javits, including the SSIG's and Educational Opportunity Centers; a proposal by Senator Kennedy to improve and strengthen elementary and secondary education among American Indians; an Ethnic Heritage Studies bill, sponsored by Senator Schweiker; a bill to promote and develop consumer education programs in schools and colleges, introduced by Senator Metcalf of Montana; and a host of other programs and amendments.

The omnibus bill was taking shape, and the bipartisan support was being strengthened.

The basic grant program of the Senate bill was not too unlike the administration's own proposals for an entitlement. The Senate bill was more generous, since it retained existing student aid programs, while the administration's proposals rejected the existing programs. In addition, the basic philosophy of consumer-oriented strategy expressed in the Senate bill agreed with the approach proposed by the administration. The shape of the bill was such that the administration had little choice but to support it, if grudgingly.

The mark-up procedures in the subcommittee and the full committee were relatively uneventful. Mondale's efforts to have the basic grants vary with tuition costs failed, and this was a loss for advocates of support of private higher education. On the matter of institutional aid, the cost-of-instruction allowance was reaffirmed. No one senator or group of senators sponsored the institutional aid formula. It was, rather, a product of the thinking of senatorial staff. It was introduced into the bill in order to counter Green's proposals for massive capitation grants, which were then being debated in the House. In anticipation of the inevitable forthcoming conference committee, it was thought that the Senate strategy would be to recede from its version of institutional aid in favor of that proposed by the House. In exchange, it was expected that the House would accept the Senate version of federal student aid, the Basic Educational Opportunity Grant.

In order to emphasize the consumer orientation of the Senate proposal, two amendments were adopted to influence the institutional aid program. First, in order to receive cost-of-instruction allowances, an institution would have to agree to hold tuition costs to their 1970-71

levels (a provision eventually deleted). A second amendment barred the payment of cost-of-instruction allowances if the Basic Educational Opportunity Grants were not fully funded, or if funds appropriated to support other student aid programs fell below their 1972 levels. By triggering the cost-of-instruction allowances to funding of student aid programs, Senator Prouty, the sponsor of this amendment, intended to induce the higher education community to lobby for the student aid programs in order to get the benefits of the institutional aid proposals. The subcommittee was frustrated with the quality of the data available to it. The Commissioner of Education was directed to study the financial condition of higher education in the United States and to evaluate alternative policy proposals.

On June 30 the subcommittee reported the bill to the full Labor and Public Welfare committee. Senators Williams and Mondale were successful in increasing the maximum basic grant from $1,200 to $1,400. Their purpose was to provide some help for moderate-income families. The full committee unanimously endorsed the bill and cosponsored it in the Senate.

On the Senate floor the bill was warmly received by the members but almost ignored by the public. A few minor amendments were offered and accepted, and one deletion made. The Indian education title was deleted and would be reintroduced and considered by another committee of the Senate. Senator Birch Bayh attempted to add a provision which would ban sex discrimination on campuses. It failed. Some concern developed on the level of authorizations provided for in the bill. Senator Magnuson of the Appropriations Committee warned that it was unlikely that the appropriations would nearly match the authorizations. Senator Norris Cotton clarified the meaning of the basic grant. He was concerned that it might be thought of as an "entitlement" legally enforceable against the federal government.

During an exchange between Cotton, Javits, and Pell, the intent of Congress was made clear. Basic grants would be funded by annual appropriations. In those years in which appropriations failed to fully fund the "entitlements", these would be reduced proportionately. Though the "floor" might be more symbolic than real, the bill "established a right to a postsecondary education."[6]

S-659 passed the Senate by unanimous consent.

On the House side, things were very different.

On the House side in 1971.

When Congress reconvened in January of 1971, it was essential that a bill dealing with higher education be passed before the expiration of the authorizations voted in 1968.

In a series of parliamentary maneuvers, Representative Green tried, first and unsuccessfully, to have Brademas removed from the Subcommittee on Higher Education. She then tried to fill the vacant slots on the subcommittee with congressmen less interested in higher education, and therefore more likely to follow her lead. In this she was successful.

In 1971 the subcommittee started to focus its attention on alternative policies in higher education. This sharpening of view came as a result of Representative Green's being persuaded that, indeed, the institutions of higher education, especially the "privates", were in serious financial trouble and that institutional aid was necessary. In 1970 she was not convinced that the financial crisis in higher education was real. She and other members of the committee were converted by William Jellema's The Red and the Black,[7] and Earl Cheit's The New Depression in Higher Education.[8]

She was looking for a formula by which institutional aid could be tendered to colleges and universities and which would be acceptable to the diverse interests in higher education. At her urging, the higher education associations in Washington reviewed alternative formulae for institutional aid. This effort was led by Jack Morse of ACE and Ralph Huitt of the National Association of State Universities and Land-Grant Colleges. Since their chief ally had demanded a specific recommendation, the associations were forced to select among alternative proposals, something they had never before been able to agree upon.

They opted for a capitation grant weighted for enrollments at different instructional levels; that is, more money per student would be paid for more advanced students. The representatives of higher education associations chose this option because, in their patronizing way, they felt it was the simplest one for Congress to act upon, and also because they could avoid airing their differences in public. Green concurred and with few modifications adopted the formula as her own. Representative Green and the higher education community had committed themselves to one another. The associations were "locked-in" with little chance to consider alternative means of reaching their objectives.

The higher education associations' commitment to capitation grants was intense and unified. It was the first time that the diverse interests in higher education had agreed on a formula for the distribution of institutional aid. They therefore presented a solid front against any alternative forms of institutional aid. Unity, they thought, was the appropriate stance before the subcommittee. Once an institutional aid program had been established, they believed that any inequalities would be

resolved in subsequent modifications of the program. Finally, colleges and universities believed themselves to be in serious financial trouble and that general institutional aid was the only way they could be relieved of these anxieties.

It suited the associations' political style to be able to sit back and let their champion carry the ball. They would not have to be involved in the political bargaining and striving for consensus which would be necessary to give structure and shape to an omnibus piece of legislation.

In drafting her bill, H.R. 7248, Congresswoman Green worked almost exclusively with the higher education associations. She did not consult with other members of the subcommittee. When she asked the other members of the subcommittee to co-sponsor the bill, Brademas expressed doubts but went along reluctantly, hoping to change the bill during the course of its passage. Frank Thompson refused to endorse the bill at all. Other members of the subcommittee, although offended by Representative's Green's cavalier attitudes, went along with her, not because of any particular enthusiasm, but rather because there was no other game in town at the time.

Congresswoman Green was a firm believer in meritocratic values rather than egalitarian ones. She opposed arbitrary barriers to access to higher education, be they income, race, or sex. At the same time, however, she opposed easing access to colleges and universities as compensation for past inequities. This in part explains her preference for the capitation approach to institutional aid.

For similar reasons, she preferred student assistance on the basis of merit. An entitlement to higher education repelled her, since it downgraded selection on the basis of proven ability. Able students were not only to be selected to enter institutions of higher learning but, by

means of her programs of student aid, they would be eligible for the best education of which they were capable.

In keeping with her concept of merit-based student aid, she introduced into H.R. 7248 the title which would bar sex discrimination in college admissions and faculties. Her original objective based on her concern for women's rights was to remove another capricious obstacle which prevented able women from achieving their full potential.

The administration at this time faced two problems with regard to institutional aid. First, the financial plight of universities and colleges was receiving increasing attention from the public. The administration bill proposed no solutions to help solve these problems. Secondly, the Green proposal, based on capitation grants, was regarded by the administration as the worst form of institutional aid. Its potential drain on the budget was open-ended, and it was determined by conditions over which the institutions rather than the administration had control. In response, therefore, HEW began to study alternative forms of such aid. A Presidential decision finally opted for the cost-of-instruction approach tied to student assistance.

One of the consequences of this decision was that Albert Quie, who was now ranking minority member of the full committee and ex-officio member of the subcommittee, changed his views on the form of institutional aid. He used the influence of his position on the committee to come out in support of the cost-of-instruction program. Not only did he not want to be in a position of disloyalty to the administration, but he was convinced that the cost-of-instruction approach linked to the number of students in an institution receiving federal student assistance would provide small

private colleges with assistance in amounts equal to that proposed in his own bill. He was also concerned that the capitation proposals could not distinguish between or among institutions. The cost-of-instruction allowances at least put federal funds where the burden of educating students using federal financial assistance was borne, in the institutions which admitted them. Congressmen Dellenback and Brademas found the cost-of-instruction approach appealing as well.

In the area of student aid as well, a new alliance was being forged. Although not wedded to the administration proposals, the Republicans on the subcommittee were attracted by the consumer and market approaches represented. Brademas, as well, was attracted to an emphasis on assistance to low-income students. However, he opposed the administration proposal to eliminate other forms of student aid, since he too believed that some effort to help middle-income families was needed. Though it was not a politically appropriate time for a public split in the subcommittee, an alliance between Quie and Brademas was in the making.

In the subcommittee mark-up, one event of significance took place. The subcommittee failed to pass Green's institutional aid proposal based on capitation. Brademas and Thompson voted with the minority. Nor was the cost-of-instruction allowance program passed. It failed, too, when a Republican member refused to endorse it.

In the full committee mark-up, with the assistance of the New York delegation and the Black Caucus members, Congresswoman Green devised a formula for institutional aid which would have awarded two-thirds of such aid on the basis of capitation (Green's formula) and one-third on the basis of cost-of-instruction allowances (Quie and Brademas' preference.) Without

a great deal of enthusiasm, the bill was reported out of the full committee because most members of the subcommittee got at least some of what they wanted. Now that one of Brademas' preferred pieces of legislation, the National Institute of Education, was safely in the bill, Brademas could overtly join Quie to fight for the cost-of-instruction allowance and the Basic Educational Opportunity Grant. They had two arenas in which to try to force their views, the House floor and in the conference committee with the Senate.

During debate on the floor of the House, an unsuccessful attempt by Representative Green to kill NIE made the split between the two leading proponents of higher education irreconcilable. The higher education aspects of the bill remained intact, nevertheless. However, a number of anti-busing amendments were added to the bill and, in the political climate of the times, eclipsed in political importance the higher education provisions.

A conference committee was appointed by the House and Senate to resolve the differences between the two bills. The House appointed twenty members to the conference. Twelve were Democrats, and eight were Republicans. The Senate appointed twelve members to the conference committee, seven of whom were Democrats and five Republican.

A delicate political game evolved. Of the twelve Democratic Congressmen, two, Brademas and Thompson, could be expected on significant issues to join the eight Republicans. Quie had the solid support of his delegation on essential issues. House votes then could result in a tie, ten-to-ten. It could also be expected that the unanimity of the Senate education committee would carry over to the conference, so that on significant issues it was more than likely that the Senate would hold firm to their particular version

of the bill. The conference committee rules required that a majority of each house vote in favor of an item in order to have it accepted as the final version. The strategy decided upon by Brademas and Quie, therefore, was that they and their supporters would work together to include the basic grant program and the cost-of-instruction allowances in the conference report. They would resolve their own disagreements about specifics on these major issues and negotiate with the Senate members for changes which they could then use to attract one more member of the House delegation.

The conference began on March 15, 1972; four hundred and one differences had to be resolved. Prior to taking up the basic grant proposal, three of the principals along with their staffs met informally to iron out any differences in detail that might separate them. The three principals were Senator Pell and Congressmen Brademas and Quie. The staffs worked to resolve the differences. They were preoccupied with how the grant would work if less than fully funded. Within the conference the basic grant program was first discussed in late March. From these discussions it became clear that the only way in which the critical eleventh vote could be obtained depended on the ability of the conferees to come up with a formula for protecting the existing student aid programs at funding levels acceptable to a majority of the House conferee members. The programs to be protected were the Work-Study program, the National Direct Student Loan Program, and the Educational Opportunity Grants.

Representative Green proposed that the existing student aid programs be funded at 100 percent of their Fiscal Year 1972 limits before

the basic grant program could go into effect. Her proposal was rejected on a tie vote. The conferees wrestled with determining what levels of prior funding of the existing student aid proposals would be required in order to make the basic grant an acceptable instrument of national policy. Brademas proposed that existing programs be funded at 80-80-50 percent of their Fiscal 1972 levels. Within the delegation these proportions were increased to 100-100-75. The next series of actions were staged for the benefit of the conferees from both parties. The Senate conferees rejected the latter offer and counterproposed a formula identical with Brademas' original.

The very next day, agreement on the basic grant broke down when Congressman Quie tried to have the half-cost limitation removed. It was clear that the half-cost limitation served low-income students inequitably, especially those who were going to low-tuition colleges. It was agreed to postpone further discussion and further attempts to resolve the basic grant issue for ten days while the conference went on to other less controversial matters.

When the basic grant was reconsidered on April the 11th, the House members sought the resolution of two issues: the protection of the existing student aid programs and half-cost versus half-need. Brademas proposed a 100-100-75 percent guarantee for the existing programs and the half-need limit as an offer to the Senate. Green again responded with a proposal for 100 percent protection for the existing programs across the board. The Green proposal lost on a 10 - 10 tie vote. On a voice vote, the House delegation, with the exception only of Representative Green,

approved the Brademas proposal. This proposal was rejected by the Senate. However, the significance of the vote on the Brademas proposal was not lost. Again, the House conferees delayed further consideration of the basic grant proposal in order to prepare a solid case to take back to the House. The next meeting at which the basic grant program was discussed was held on May 4. The basic grant program was adopted almost unanimously. This time the Senate accepted Brademas' formula protecting the existing student aid programs, and a compromise was worked out resolving the half-cost and half-need issue.

With regard to institutional aid, the scenario acted out was somewhat different. During the meetings in March among Pell, Quie, and Brademas, it became clear that Pell was willing to go a long way further towards meeting the House position on institutional aid than either Brademas or Quie.

On April 12[9] Congresswoman Green made an intemperate speech on the House floor. She accused the House conferees of "selling out" to the Senate on matters on which the House had commited itself. She also accused the conferees of "gutting" the existing programs, which were working well.

Chairman Perkins took this speech as a personal attack on his integrity and leadership of the House conference committee. He moved gradually from a position of neutrality in order to "get a bill," to siding with the Quie-Brademas alliance. The next day Perkins executed an intriguing political strategem. Frank Thompson, at Perkins' request, voted in favor of the Green position on institution aid. At the same time, Perkins notified Pell that the institutional aid proposal would be brought up the